

EXTENSIONS OF REMARKS

PROSPECTS FOR A NEW RUSSIAN
IMPERIALISM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HUNTER. Mr. Speaker, I commend the following article to my colleagues' attention:

PROSPECTS FOR A NEW RUSSIAN IMPERIALISM
AND IMPLICATIONS FOR THE UNITED STATES(By John Lenczowski, Director, The
Institute of World Politics)

In the wake of the breakdown of the USSR, Russia is now confronted with the task of developing a new foreign policy based on entirely new geopolitical circumstances. Principal among these is the challenge of conducting relations with 14 new countries on its borders whose independence many Russians view as illegitimate. This situation, combined with a number of disconcerting trends in internal Russian political life, gives cause for concern that the peaceful interlude afforded us by the end of the cold war with communism may be more short-lived than we had hoped.

Now that Russia is more ethnically homogeneous than at any time in the past couple of centuries, it is developing a new conceptual framework for foreign policy based more on exclusively Russian ethnic, cultural and geopolitical interests than in previous eras. The larger Russian population as well as a myriad of new political formations are rejecting communist ways of thinking and are considering Western ideas. But they are coming increasingly to regard historic Russian ideas as taproots for their efforts to define their national purposes.

In the background of this effort to redefine Russia's national mission and foreign policy interests, there are a number of political conflicts whose outcomes are by no means certain. Foremost among these is the conflict between the democratic reformers and a coalition of forces representing the old communist nomenklatura, the KGB, elements of the military-industrial complex and a number of radical nationalist groups.

Meanwhile there is a classic conflict underway between isolationists and those favoring Russian great power intervention in the world. A variant of this is a simultaneous conflict between those who would have Russia represent a special mission in the world versus those who would have it become a conventional state pursuing traditional national interests.

There is also a debate between "Atlanticists" and "Eurasians." Among the Atlanticists, some believe in greater integration with West, and others favor a strategy of a Common European Home which would exclude the United States from Europe and establish Russian hegemony over the entire continent. In contrast, the Europeans see Russia's destiny being fulfilled by greater involvement in Asia.

And finally, there is a conflict between those who would define a Russian as someone who is ethnically and linguistically Rus-

slan versus those who would broaden that definition to include neighboring peoples who are not ethnically Russian but who have lived under Russian or Soviet imperial rule. As parliamentarian and National Salvation Front leader, Sergei Baburin, declared: "Russian should not only refer to ethnic Russians but to a great multi-national state preserving the traditions of its component nations."

In this climate, two themes are on the ascendancy. The first is the belief that West has abandoned Russia and wants to see it remain weak. Some who share this view harbor intense resentment over the breakup of USSR and the widespread international perception that Russia is no longer a power to be feared and respected. The second is that many Russians do not accept the legitimacy of the independence of their neighboring states.

Given the increased concern about the welfare of 25 million ethnic Russians living outside of the Russian Federation, Russia has developed a claim to a special sphere of influence in those countries of the so-called "Near Abroad," and the right to "protect" Russians living in those countries.

As a rule, this is a legitimate national interest which the United States and the world should respect. What is noteworthy, however, is the large number of Russians expressing this concern who make disingenuously false claims about abuse of those Russian populations. In fact, of those 25 million Russians abroad, the vast majority qualify for full citizenship rights in their host countries and do not suffer from the alleged abuse.

Thus, the concern for Russians in the Near Abroad has provided an argument for a new policy of imperialism that could destabilize the entire area and even threaten Russian democracy. Ironically, support for an imperial role comes from all sides of the political spectrum, including many democrats who seek to avoid mass migrations of Russians or to promote democratic-capitalism in the neighboring states.

It is true that Boris Yeltsin has taken important steps to create increasingly harmonious relations with several neighboring countries, notably, Poland and the Czech Republic. It is also true that of all Russian heads of state in a millennium, Yeltsin may well be the most respectful of the national rights of neighboring nations. Under such leadership Russia has a better chance of forging more peaceful relations with its neighbors than at any time in living memory.

Nevertheless, a number of signs point to a new level of tensions between Russia and its neighbors which could have serious implications for Europe, Asia and ultimately, the U.S.:

The production of several draft foreign policy doctrines written by the Russian Foreign Ministry, the Security Council and the military, which have affirmed the right to use force to protect the rights of minorities in neighboring countries. The Foreign Ministry version states that Russia will oppose the military-political presence of third states in countries contiguous to Russia, while the

military version states that the presence of such forces constitutes "an immediate military threat."

The Russian parliament's recent declaring the Ukrainian city of Sevastopol in Crimea as a Russian city. (Although Sevastopol has historically been a Russian city and is currently mostly Russian in composition, it nonetheless is located within the sovereign nation of Ukraine).

The Russian message advising several East-Central European governments that they need not build large embassies in Kiev since they will only need consulates in a year and a half.

Russian rejection of a recent U.S. initiative to have Ukrainian nuclear warheads placed under international supervision before final transfer to Russia.

Moscow's intervention in the Tajik civil war and its installation of a nomenklatura-led pro-Moscow regime there.

Russian military involvement in Moldova and the Trans-Dniester Republic.

Russian involvement in two inter-ethnic conflicts in Georgia.

Official Russian accusations that Estonia practices apartheid against ethnic Russians. Numerous statements by high-level officials (including Yeltsin himself, Presidential Council member Andranik Migranyan, and others) that Russia has the exclusive right:

To ensure stability and human rights (including the protection of ethnic Russians) in the 14 countries of the former USSR;

To pressure Estonia and other neighboring republics to honor the rights of ethnic Russians; and

To help those Russian populations defend themselves if necessary.

The Russian gas embargo imposed against Estonia.

Russian involvement in installing a pro-Moscow regime headed by former Soviet Politburo member, Geydar Aliyev, in Azerbaijan.

Russian dismissal of recent official American intimations that the United States will become increasingly involved in mediating international disputes inside the former USSR. This dismissal was accompanied by an official Foreign Ministry statement that Russia possesses the principal responsibility for maintaining stability in the region.

Concerns about Russian imperialism extend as well to East-Central Europe. Several Polish parliamentarians who visited Washington recently, for example, consider the future independence of Poland to be an open question. They cite the continued heavy Russian influence in a number of spheres, including large-scale KGB penetration and the control over large parts of the private sector by elements of the Polish nomenklatura who are beholden to Russian influence.

Finally, there has been the recent refusal to complete the troop withdrawal process from Lithuania by the agreed-upon August 31 deadline. This act is a sign that Russia may be moving perilously closer to the imperial tendency to protect interests through the use of force.

These events are taking place in the context of domestic developments that threaten the success of Russia's fragile democracy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The nomenklatura is still in control of most governmental and commercial operations throughout the country. The economy is still heavily socialized while the private marketplace has been dominated by organized crime syndicates. A monetary policy of rampant inflation and surprise currency substitutions has deprived millions of Russians of their savings, thus causing a systemic "de-privatization" of property when exactly the opposite was promised. Taxes are confiscatory. Corruption is pervasive. The legal framework for a private economy is non-existent. Entire sets of laws issued by the executive and legislative branches conflict with each other. The communist movement is reuniting and asserting itself more strongly. The KGB is utterly unreformed and still capable of behaving as in the past. Many elements of the armed forces do not seem to be under any civilian control. Major strategic weapons systems with the potential to threaten the United States continue to be produced. And existing missiles remain targeted at the United States. There is the ever-present threat of weapons proliferation through arms sales and further geopolitical divisions. And the various armed conflicts on Russia's periphery show no sign of abatement.

Any number of conflicts in the region could break out and have severe effects on parts of the world which the United States has long considered of vital interest. Such conflicts could disrupt energy supplies to West Europe and harm West European economies to such an extent that U.S. interests would be adversely affected. A Russian-Ukrainian conflict with nuclear weapons as a backdrop could become a nightmare not only for the protagonists, but for the West as well.

Under these circumstances, prudence dictates that the United States should maintain a much greater vigilance than we have in recent years. Indeed, our current isolationist tendency to ignore the rest of the world in hopes that trouble abroad will not affect us is one of the most dangerous policies we could possibly adopt. The corollary of that policy which the current Administration is pursuing—unilateral American disarmament—is equally short-sighted.

It should be our duty instead to be much more engaged—particularly intellectually—in these foreign affairs. For one, we must do everything we can to encourage the development of democracy and a free market system within Russia and the new neighboring states. We must encourage good behavior by all concerned in the region, lest any get the idea that aggressive designs will go unnoticed. We must maintain our defenses and achieve early deployment of ballistic missile defenses. Indeed, under the current conditions of proliferating nuclear arms and long-range delivery systems, the absence of any defense against even a small or accidental missile attack remains a dereliction which must be corrected as soon as possible.

The turmoil in the East also demands that we develop clear policies as to how U.S. interests may be affected and addressed if the anti-democratic and imperial forces in Russian politics prove to be victorious. Are we committed to the independence of the newly independent states? All of them? Only some of them? If so, which ones? And what about the independence of Eastern European countries recently freed from the Soviet yoke? Given that Nazi Imperialism in East Europe precipitated Western and American entry into World War II, and that the Soviet takeover of East Europe drew us into the Cold

War, can we not conclude that the United States and the West have a major, if not vital, interest in the continued independence of the states of that region? The utter absence of discussion and clear policies on such questions is the height of irresponsibility.

Fortunately, since there is still a fledgling democracy in Russia and Russian foreign policy is being formed today with much greater reference to popular attitudes than ever before, the United States still has a chance to exert a positive influence. This requires much greater emphasis by our government and various non-governmental organizations on the many programs in public diplomacy—i.e., the conduct of relations with foreign publics. These programs include international broadcasting from Radio Free Europe/Radio Liberty and the Voice of America, international educational and cultural exchanges, foreign visitor programs, democracy- and free-market-building programs and many others which have proved to be so strategically effective in the past.

One can scarcely find a more cost-effective way to help maintain peace and stability in that part of the world that is making the long and painful crawl from under the rubble of 70 years of communist rule. But for the United States to succeed in aiding the new Russian experiment, our excessively materialistic foreign policy culture must recognize that information, ideas, values and belief systems are factors of strategic importance. Indeed, they represent the taproots of the fate of nations.

VOLUNTEER FIREMAN GEORGE H. KLINE HONORED FOR 55 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, this Saturday, October 2, 1993, a true hero will be honored.

And that's what volunteer firemen are to me, Mr. Speaker, true heroes. And the hero I'd like to say a few words about today, George H. Kline of Ballston, NY, has been a volunteer fireman for 55 years with the Neptune Volunteer Fire Company of Burnt Hills.

As a volunteer fireman myself for 20 years in my hometown of Queensbury, I know the sacrifices these volunteers make. They come from all walks of life, all education levels, and all races, religions and creeds. The one thing they have in common is a desire to serve their neighbors, and they do it very well.

Every year, in New York State alone, volunteer firemen save countless lives and billions of dollars' worth of personal property. In many rural areas, like most of the 22d Congressional District, they represent the only available fire protection. Their neighbors owe them a great deal.

That is why I marvel at someone like George Kline, who has been able to contribute 55 years of his life to giving his neighbors better fire protection. That hasn't been the only example of good citizenship he has shown. He served with the famous Eighth Air Force during World War II. He has been a life-long Republican committeeman.

He and his wife Margaret will be honored at a dinner at the fire house Saturday night. But

I ask all members to join me in paying our own tribute to this selfless man, who is a hero to every neighbor whose property and well-being he has protected, and a hero to me, as well. Let us all salute George H. Kline, a dedicated firefighter and patriotic American.

IN HONOR OF THE U.S. MERCHANT MARINE ACADEMY'S 50TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents, as well as all the citizens of the United States of America, in honoring the U.S. Merchant Marine Academy as it celebrates its 50th anniversary.

The Academy came into being during the darkest days of World War II when it became necessary to establish an effective supply link to the forces of freedom in Europe. Kings Point, NY, at the tip of northwest Nassau County, became the focal point for establishing a merchant fleet to serve this effort. Those citizens who were involved in this huge and most dangerous undertaking risked their lives to support the war effort. Kings Point lost over 100 midshipmen who were assigned to these fleets as part of their undergraduate training.

After the war, the Academy continued to provide our country with a professional merchant marine. Experience has shown us that the Academy has provided our country with a source of leadership not only on the high seas, but also in the private maritime and transportation area.

Due to its heroic war effort at its inception in WWII and the dedication of its midshipmen and great sacrifice of its students, the U.S. Merchant Marine Academy at Kings Point is the only Federal academy having authorization to carry a battle standard. The same dedication and sacrifice displayed by the midshipmen in WWII was effectively repeated in the Korean War, the Vietnam war, and the Desert Shield-Desert Storm Operation.

I ask you to rise in honoring the Academy as it begins its second half century of service to the United States of America. They have withstood the test of time and the rigors of war. We wish them well as they face the continuing challenges of participation in our emerging global community.

U.S. POLICY ON THE ENFORCEMENT OF SANCTIONS AGAINST SERBIA AND MONTENEGRO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HAMILTON. Mr. Speaker, on August 12, 1993 I wrote to Secretary Christopher concerning United States policy with respect to sanctions against Serbia and Montenegro. Specifically, my questions centered on enforcement of sanctions by Macedonia and Bulgaria, and steps by the United States to enhance the effectiveness of those sanctions.

On September 21, 1993 I received a reply from the Department of State. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 12, 1993.

HON. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: I write with respect to the enforcement of UN sanctions against Serbia and Montenegro.

It is my clear understanding that Macedonia today is the chief violator of those sanctions and that there has been some backsliding by Bulgaria on sanctions enforcement.

I would like to know:

What specifically is the United States doing to enhance the enforcement of UN sanctions by these two governments?

What are UNPROFOR forces in Macedonia, including U.S. forces, doing, or will be doing, to enforce UN sanctions?

What additional pressures or incentives are you considering to shut down rail and road traffic of goods from Macedonia and Bulgaria to Serbia and Montenegro in violation of UN sanctions?

I appreciate your attention to these questions, and I look forward to your early reply. With best regards.

Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 21, 1993.

HON. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: I refer to your letter of August 12 concerning Bulgaria's and Macedonia's role in enforcing the UN sanctions against Serbia and Montenegro. We share your concern that Macedonia has been lax in its enforcement of the embargo. Bulgaria has played a more positive enforcement role, although they are now facing growing domestic pressure to relax their enforcement efforts. In spite of these problems the effect of the sanctions on the economy of Serbia/Montenegro has been devastating. Serbia's economy is in shambles, its currency is being steadily devalued on a daily basis, its distribution system is collapsing and serious shortages are appearing in all sectors. I have enclosed additional information on the state of the Serbian economy for your information and use.

To address our concerns about the embargo, we and our CSCE partners are working closely with the Governments of the Former Yugoslav Republic of Macedonia (FYROM) and Bulgaria to improve the effectiveness of their enforcement efforts. This includes the assignment of customs personnel for the US/EC/CSCE Sanctions Assistance Missions (SAM) and technical assistance to support their own border control efforts. The SAM teams monitor sanctions related activities and assist and advise the local border control authorities regarding the implementation of the sanctions. The United States has assigned 17 officers to the SAM team in Macedonia. They join 33 customs officers from 7 other countries for a total of 50. We hope to expand the international commitment to these SAM teams to 70 customs officers.

With regard to the role of UNPROFOR in enforcing sanctions, the United States has supported a Swedish initiative for UNPROFOR to assist Sanctions Assistance Missions in sanctions monitoring within the terms of its current UN mandate.

UNPROFOR is now reporting on border movements violating sanctions and will provide general assistance to the SAM teams and help assure their safety.

We have also helped establish a control network along the Macedonia-Greek border to ensure the bona fides of shipments of petroleum products moving into Macedonia. This program is being expanded to the Bulgaria-Macedonia border and will also include control of other key industrial commodities.

These efforts have begun to produce results. The Macedonian Government has halted the flow of petroleum into Serbia since August 25. President Gligorov issued a new order September 3 instructing his government to ensure full compliance with UN sanctions restrictions. The SAM teams confirm that the Gligorov order is being carried out. Customs, police and military units have been deployed at key border crossing points. They are halting and inspecting all commercial traffic to ensure strict compliance with UN restrictions. All commercial traffic is being channelled to the two road and rail crossing points approved by the UN Sanctions Committee. UNPROFOR reports that all other crossing points are virtually closed.

I hope that this information proves useful to you. Please contact us if we can be of further assistance on this or any other matter.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

ATLANTA'S BUCKHEAD: AN EDGE CITY WITH GUTS AND GLORY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LEWIS of Georgia. Mr. Speaker, I am submitting for inclusion in the CONGRESSIONAL RECORD, the following excerpt from "The Fourth Wave—Edge Cities with Guts and Glory," an article which appeared in the first edition of The Edge City News.

The Buckhead Coalition is a clear alternative to local government systems * * * It gives flexibility to maneuver through shark-infested downtown waters * * * It's possible because Buckhead—Lenox Square Mall with its 150 vying restaurants, singles joints and businesses—pulls together and puts dollars behind a single set of Coalition ideas * * * This is a shadow government that really governs * * * Buckhead has a long-term plan, has co-opted local police, even has a six-mile shopping-loop people-mover in the works.

IN HONOR OF THE KANE REPUBLICAN, KANE, PA

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. CLINGER. Mr. Speaker, I rise today to congratulate the Kane Republican in Kane, PA, as it prepares to embark on its second century of continuous publication. On January 12, 1994, the Republican will celebrate the presentation of its 100th edition in as many years of operation.

A newspaper which recognizes and accepts its tremendous responsibility contributes to the

success of the community which it serves. The only afternoon daily in McKean County, the Republican has performed its role as the "fourth estate" in a timely, responsible manner. Its pages have served as a record of public opinion and a chronicle of popular culture, as it has become a part of the history and heritage of the Borough of Kane.

Even an excellent publication, however, cannot exist on its own. The success of the Republican is not only a testimony to the quality of the paper, but is also a credit to the community which supports it. The citizens of Kane are to be commended for realizing the importance of assuming an active role in their area's activities.

This relationship between newspaper and borough is best exemplified by the widespread excitement that has been generated by the planning of the Republican's special anniversary edition. At the paper's invitation, the office has been flooded with photos, feature stories, biographies and historical accounts. As a result of this enthusiasm, the over 100 pages of the special edition will be full of the cherished memories that are a part of Kane, PA.

Congratulations to the Kane Republican and to its faithful readers.

TRIBUTE TO THOMAS L. GREEN & CO. AND ITS CEO, THOMAS LUGAR

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. JACOBS. Mr. Speaker, the following article about the Thomas L. Green & Co. was published by the Indianapolis Star on September 19, 1993. The CEO is Thomas Lugar, one of our most outstanding citizens.

Hoosiers have a longstanding saying: "Ain't God good to Indiana." One of the good things in Indiana generally and Indianapolis specifically is the Thomas L. Green Co. Its centennial is today, September 28. Things were very different on September 28, 1893 in some ways, but not different at all in some of the most important ways at Thomas L. Green. The spirit of fairness with employees and excellence of design has remained constant for Thomas L. Green's splendid century.

Can you imagine an oven which is 300 feet long? The Thomas L. Green Co. does more than imagine it; they manufacture it. They manufacture the equipment that produces the snacks which brings special joy to lives all around the world. The company is an exporter and, in fact, the only U.S. company which produces the equipment which makes the culinary delights nearly everybody enjoys.

The company makes the equipment well, and it has customers throughout the world who are so satisfied that they send gifts and mementos to the company to demonstrate their appreciation for the equipment produced with such excellence and devotion and their opportunity to buy it at reasonable prices.

The chief executive officer, Tom Lugar, has a brother who is hardly a stranger to these pages of America's CONGRESSIONAL RECORD. He is the senior Senator from Indiana, DICK LUGAR.

Indianapolis is proud of the Lugar family and proud of the family business. They set a standard of educational and entrepreneurial achievement which is an inspiration to all those who take pride in the work ethic and care about excellence.

GREEN & CO. IS THE BAKER'S SECRET
(By Jo Ellen Meyers Sharp)

When the Keebler Co. elves want to work some elfin magic, they're apt to seek out a 100-year-old Indianapolis company.

And Thomas L. Green & Co. is just the kind of place you'd expect elves to call. It's a small, highly specialized enterprise that helps bake some of the best goodies all over the world.

"The elves are happy," said Wayne Mounsey, director of purchasing for the Keebler Co. "T.L. Green is a quality company."

"We're buying some of their equipment as we speak" for replacement parts. Mounsey said from his office at One Hollow Tree Road in Elmhurst, Ill.

On Sept. 28, Thomas L. Green & Co. will celebrate its 100th birthday with a party with more than 500 guests, including family members, employees, customers and local dignitaries.

It's a family that includes Sen. Richard G. Lugar, R-Ind., who was vice president, secretary-treasurer and a director until he was elected mayor of Indianapolis in 1968. He no longer is connected to the company, but his brother and nephew run the business and his mother is a director.

Some of Green's customers also are familiar, including Keebler, Nabisco and General Foods. Green's equipment helps companies make dozens of products munched on every day, all over the world, including crackers, cookies, pizza, pancakes, biscuits and Danish.

The Green company designs, manufactures and installs equipment for commercial bakeries. Everything from huge mixing tubs to steel rolling pins to ovens and cooling units is made or assembled at the 60,000-square-foot factory on the Near Westside. About 100 people work at 202 North Miley Avenue, where the plant has been since 1911.

Green's equipment is making and baking in 48 states and 38 countries. The equipment for a single production line could easily fill a two-story building the length of a football field. An average cost for a production line is \$1.5 million to \$2 million.

The company usually is called in at the beginning of a manufacturer's decision to build a new plant or introduce a new line of baked goods. That way Green can design the technology and equipment needed.

The inside joke is that the company never makes the same piece of equipment twice, said Todd R. Lugar, vice president of operations for the company that was started by his great-grandfather, Thomas L. Green.

Nothing is the same because each line is designed to meet a customer's specific production needs and site requirements.

"Poles in a plant may mean the equipment can't go straight and has to turn 45 degrees," said Thomas R. Lugar, president and chief executive officer.

His grandfather, Thomas L. Green, was a tinkerer.

"He used to make things in the basement of his house when he was 15. He was an inventive man who saw a need for modernization and to make things better," said Tom Lugar.

Green received his first patent—on a device for icing cakes—in 1897 when he was 23 years old. During his lifetime, he was granted more

than 20 patents in the area of biscuit and cracker machinery, including a patent for the first rotating cutting machine. Green, who died in 1934, also held patents in Canada, France, Germany, Australia, New Zealand and the United Kingdom.

Green is the only U.S.-owned manufacturer of commercial baking equipment. Competitors are owned by large, mostly European-based companies.

Grandson Tom Lugar, now 60, also likes to tinker and is challenged by making things work. He graduated from Purdue University in 1955 with a degree in mechanical engineering. After about a year engineering jet engines at Allison Division of General Motors Corp., he joined the family firm in 1957. Keebler's Mounsey says Tom Lugar "is very hands-on, very interested in the business."

"I like the entrepreneurial style. It's the right size business I enjoy. It's small enough that I know people personally and we can act quickly. Companies that are bigger sometimes are more impersonal. I'm proud Todd wanted to come into the business," Tom Lugar said.

Todd Lugar, 30, joined the company after he graduated from Purdue in 1984 with a degree in management and finance.

"I wanted to work (for the family company) but when I did I hated it," Todd Lugar said. He left after two years and worked in banking, including mergers and acquisitions. He returned in 1991.

"It's a very complex business even though it is small," Todd Lugar said, "I had a financial degree and I was never exposed to the business as a whole, how it works. I never saw the big picture" when he worked there before.

Todd Lugar retained his board seat during his five-year absence. He and his father agree the hiatus has served the company well.

"He understands sales and strategic planning," Tom Lugar said of his son.

"What I didn't understand before was the entrepreneurial experience. This is a high-level financial and engineering firm, but it's small enough to get your hands in every concept, from drawing to completion," Todd Lugar said.

"NEVER THE SAME PROCESS"

The work is specialized because it bends and shapes the pieces and parts it needs on site. "It requires employees who know how to think and read blueprints," Tom Lugar said.

"You have to be very versatile. This is not a production line. We've been at the forefront" of industry advancements, including a double-decker oven to bake frozen pancakes, he said.

The company has learned to incorporate advanced technology, including electrical and laser controls, in its equipment. Controls are needed to speed up or slow down the line, gauge dough thickness and measure temperatures, for example. And the production of each product has different standards. Some units can chill water and others dry dough with air.

"It's never the same process," Tom Lugar said. "Honey Graham crackers crack if they are not kept warm, and Sara Lee Danish have to be kept cool" during their production process.

The company flourished during the 1920s and 1930s, when the biscuit was king. Although an exporter since its beginning, Green made a concerted effort to expand into world markets during that time. It was given an "E" award for exporting in 1963 by President John F. Kennedy, who started the recognition program in 1961.

And the company has continued to grow by seeking accounts around the world. Exports account for 30 percent to 35 percent of the company's \$10 million to \$20 million annual sales.

It has equipment, some of it decades old, cranking out products all over the world, including a line built in 1912 in Guadalajara, Mexico, that makes crackers every day.

"The majority of our business is in new plants, new production lines and replacement machinery," Tom Lugar said.

The company keeps only a few spare parts on hand. If a replacement part is needed, the company builds it from scratch, referring to the drawings stored in a vault on the second floor of the brick building. The main offices are a throwback to another era with walls of glass and walnut.

"We have 99 percent of every drawing we ever made," Todd Lugar said. Many of them are pen and ink drawings on linen. Designs nowadays are done on computers, but each one is still noted on a 3x5 index card that will join more than 300,000 others in a catalog file.

LOOKING TO THE FUTURE

T.L. Green's success the next 100 years depends on continued use of new technology and expansion of export markets. The factory is landlocked by a railroad track and streets, which means factory expansion may mean a move to a new location in the city.

And the company will need to do that while continuing to do what it does best—provide individual service to its customers.

"Sometimes the technology is not there (in the industry) and has to be developed," said Keebler's Mounsey.

"You may bring equipment into the marketplace only for you exclusively to get a product to market," he said.

Green's edge in the industry is "its overall longevity of equipment. It is very good in a competitive marketplace. Another difference is they always have a sincere willingness to work with you, whether you are purchasing something or if you develop a problem."

Mounsey said Keebler doesn't buy exclusively from Green. It has to submit bids like other vendors.

"And sometimes we go with the other guy. Sometimes dollars dictate reality. You'd like the Cadillac, but all you've got is money for a Chevy."

STEEL INDUSTRY HERITAGE PROJECT: CELEBRATING THE EMERGENCE OF AMERICA'S INDUSTRIAL STRENGTH

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. COYNE. Mr. Speaker, today I am introducing a bill which will enable the steel industry heritage project in southwestern Pennsylvania to continue its work of documenting and conserving the industrial and cultural heritage of southwestern Pennsylvania.

This bill authorizes funding within the Department of the Interior to implement the plan of the steel industry heritage project. It is the goal of this legislation to identify, define and propose those sites or areas of historic significance that should receive Federal designation.

The steel industry heritage task force was first authorized by the Congress, under Public

Law 100-698, to conserve the industrial and cultural resources of the steel industry in southwestern Pennsylvania. Since fiscal 1989, the task force has received Federal funding to develop a plan for conserving the nationally significant historical and cultural resources of the region's industrial heritage. The concept plan produced by the steel industry heritage task force at the direction of the Congress provides a basis for moving ahead with efforts to conserve the industrial and cultural resources of the region.

The National Park Service has been extensively involved in this effort since 1989. The Park Service's Historic American Engineering Record [HAER], for example, has operated a field office in Homestead, PA, since 1989, employing historians, architects, and photographers who have helped to document the region's historically significant industrial resources.

The bill I am introducing authorizes the Secretary of the Interior to work with the steel industry heritage project to act on the recommendations of the concept plan. This bill also authorizes a continued role for the National Park Service in conducting plans and studies necessary to determine the appropriate role of the Federal Government in conserving and interpreting the history of the region. Finally, the proposed legislation authorizes the steel industry task force to receive appropriations through the Department of the Interior for projects and studies consistent with this Act. These projects and studies will be conducted within the geographical areas of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland Counties shown on a boundary map based on the project criteria established in the concept plan.

Southwestern Pennsylvania has a proud history of being the cradle of America's second industrial revolution, a period beginning in the late 19th century which resulted in the emergence of the United States as a global industrial leader. The development of new industrial techniques in southwestern Pennsylvania's steel and steel-related industries resulted in Pittsburgh being known around the world as the center of U.S. industrial might. Names like Carnegie and Frick became household names. The region's labor movement played a significant role in the development of the Nation, including the formation of key unions such as the Congress of Industrial Organizations [CIO] and the United Steel Workers of America [USWA]. The western Pennsylvania counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland served as centers for the growth of industries that would change the economic, social, cultural, and political face of the United States.

The importance of the industrial heritage of southwestern Pennsylvania to America's history has been shown in an excellent article by Edward K. Muller, professor of history at the University of Pittsburgh, and Richard O'Connor, historian with the National Park Service's Historic American Engineering Record. I ask unanimous consent that the article be printed in the RECORD immediately following my comments.

Mr. Speaker, the Federal Government has a role to play in conserving the industrial heritage of southwestern Pennsylvania for future

generations to study and enjoy. The history of the rise of steel and steel-related industries in Pittsburgh and the surrounding counties of southwestern Pennsylvania is a vital part of America's past. Understanding this heritage is essential since this legacy continues to shape the U.S. economy and culture. I urge my colleagues to join with me in supporting the work of the steel industry heritage project.

WESTERN PENNSYLVANIA AND THE SECOND INDUSTRIAL REVOLUTION

(By Edward K. Muller and Richard O'Connor)

Late in the 19th century, America rose to world industrial leadership, and the Pittsburgh/Monongahela Valley region was the driving force. Calling attention to the impressive magnitude of this feat, one of America's foremost business historians pointed out that "(i)n 1880, the nation's national income and its population were one and a half times those of Great Britain. By 1900, they were twice the size of Britain's, and by 1920, three times the size."¹ The industries that led the country to world leadership shared important traits: They produced durable goods like steel, plate glass, aluminum and electrical equipment essential to the further development of America's transportation, construction and industrial infrastructure; their industrial processes utilized new sources of energy—coal, coke (a coal derivative) and gas—and reorganized and mechanized production; they were among the country's largest and most highly capitalized; they integrated vertically from natural resources to final distribution; and they developed and instituted new managerial practices, including systematic and scientific management, cost accounting, and full executive responsibility. Collectively, these characteristics constituted a "Second Industrial Revolution" that transformed America's industrial structure and paved the way for mass production consumer goods industries of the later 20th century.

In its contribution to the Gross National Product and the increasing percentage of workers it employed, manufacturing was the leading sector in the Second Industrial Revolution.² A unique mix of producer durables drove this trend. Between 1870 and 1930, the annual rate of increase for coke production was 5.4%, 10.4% for steel and a dramatic 24.3% for aluminum.³ While demand provided the impetus, such large increases were themselves made possible by dramatic changes in the structure of industrial production—the increased burning of fossil fuels—coal, natural gas and oil; the development and widespread use of electricity; new technologies that mechanized production processes; increasingly complex managerial structures; growing capitalization and concentration of industries; and the expansion and ethnic recomposition of the work force. These significant changes transformed older industries like iron and glass, and created new ones like electrical manufacturing and aluminum.

Steel built America's manufacturing supremacy—steel for railroads, equipment, construction, and appliances—and Pittsburgh area steel makers dominated the industry.⁴ Home to the works of Carnegie and, later, U.S. Steel, the region also attracted other large primary metal producers, including Jones & Laughlin, Federal, National and Republic; secondary metal processors such as the mammoth Mesta Machine Company at West Homestead and Heppenstall Company and MacIntosh-Hemphill in Pittsburgh; and hundreds of small machine shops and foundries. The region's steel output reflected this concentration of facilities. Between the

early 1870s and 1920, Allegheny County registered annual decadal growth rates of 158% in pig iron and ferro-alloy production, more than double the country's average. Moreover, in 1900, Allegheny County produced almost 25% of all pig iron and ferrous-alloys in the United States and fully 40% of the U.S. total of steel ingots and steel for castings.⁵

Adapting practices first associated with the nation's railroads, Pittsburgh steel makers pioneered manufacturing techniques that came to define the Second Industrial Revolution. Andrew Carnegie's tutelage in the late 1860s under Thomas Scott, then head of the Western Division of the Pennsylvania Railroad, provided him with first hand experience organizing and managing a highly integrated, well-financed, tightly controlled, multi-regional enterprise, experience he later transferred to the production of iron and steel.⁶ In addition to building "the largest and most energy-consuming" blast furnaces in the world, Carnegie brought to iron and steel making important new "techniques of coordination and control," rigid cost accounting procedures, new conceptions of plant design and layout, "hard-driving" production methods, and the most highly experienced and proven managers in American industry, changes he first successfully put in place at his massive Edgar Thompson Works at North Braddock, on the outskirts of Pittsburgh.⁷ The widespread adoption throughout American industry of these recognizably modern organizational and managerial methods set both the direction and pace of the "Second Industrial Revolution."⁸

Rich in coal and natural gas, southwestern Pennsylvania developed other industries that played key roles in the Second Industrial Revolution. The steel industry's insatiable demand for high-quality coke, its primary fuel, linked Connellsville coke producers to Pittsburgh steel makers in the 1870s, a relationship Carnegie reinforced in 1881 by purchasing control of the Frick Coke Company and solidified in 1889 by placing H.C. Frick in charge of his steel operations.⁹ George Westinghouse's work in Pittsburgh with natural gas distribution systems, growing out of the discovery of gas under his East End estate, led to his pioneering development of alternating electrical current and the establishment of Westinghouse Electric. Westinghouse had come to the Pittsburgh region from Schenectady, New York to make railroad equipment, an industry he helped build into one of the region's largest.¹⁰ Rich deposits of coal and natural gas attracted manufacturers from every branch of the glass industry—plate and window, tableware, and bottles and jars. Glass companies such as Pittsburgh Plate Glass, the American Window Glass Company, the United States Glass Company and Hazel-Atlas were not only large, but led in the industry's mechanization. In 1889, Alfred Hunt and others produced commercial aluminum in their plant in downtown Pittsburgh for the first time. Shortly thereafter, they obtained additional financing from Pittsburgh bankers, coal and railroad men, and moved their Pittsburgh Reduction Company, which became the Aluminum Company of America (Alcoa) in 1907, to nearby New Kensington on the Allegheny River, adjacent to the coal and gas deposits necessary to generate the massive amounts of electricity so essential to their electrolytic aluminum smelting process.¹¹

Pittsburgh bankers and corporate executives grew wealthy by investing in local industry, trading capital for control of major companies in the "new" industries of the Second Industrial Revolution. The Mellon

interests "were at the center of capital formation in Pittsburgh."¹² and presided over a labyrinthine network of corporate and financial connections among some of the country's most powerful industrial corporations. Railroad executives provided practical experience, management skills, and capital, as in the cases of Carnegie, the Pitcairns, (with interests in both the Pennsylvania Railroad and Pittsburgh Plate Glass), and George Westinghouse, who counted the country's largest railroads as airbrake customers and financial backers.

As much as it reshaped industry, the Second Industrial Revolution also transformed nineteenth century patterns of urban development. Between the end of the Civil War and the beginning of World War I, manufacturing activities in the areas surrounding Pittsburgh increased at a rate even greater than they did in the City of Pittsburgh proper. As they sought to expand and streamline production facilities, local manufacturers confronted insurmountable problems posed by an older manufacturing environment: lack of available space for expansion, rising taxes, too few railroad sidings, unstable supplies of natural gas, and little room for waste disposal. Wanting to remain close to the region's ample supplies of fuel, skilled labor, transportation and capital, manufacturers left the City of Pittsburgh and founded a host of new communities like Monessen, New Kensington, Vandergrift, Jeannette and Aliquippa, a short distance outside the city.¹³ It is no coincidence that all celebrate centennials from the late 1980s through the next decade.¹⁴

Indeed, it was the broad arc of industrial communities surrounding Pittsburgh that accounted for most of the region's growth in value added and manufacturing employment. In 1879, the City of Pittsburgh "accounted for 81% of the value added for the area;" this figure was only 31% by 1919.¹⁵ But the manufacturing mix in these areas differed from that of the old central city. Instead of a plethora of different industries, each with its own developmental cycles, Pittsburgh's industrial suburbs were often single industry communities. These ranged from the steel communities of Monessen (Westmoreland County) and Aliquippa (Beaver County), to the Turtle Creek Valley (Allegheny County) cluster of electrical and railroad equipment facilities built by the Westinghouse Company, to the agglomeration of glass factories in Jeannette (Westmoreland County). Consequently, they were subject to all the vicissitudes of single-industry dominance: rapid growth, high levels of employment during the first half of the 20th century, and dramatic decline after the 1960s as part of an international restructuring of producer goods industries.

The jobs that grew out of the Second Industrial Revolution transformed the racial and ethnic composition of the American working class. Beginning late in the 19th century and accelerating during World War I, thousands of African-Americans left the agricultural regions of the South for the industrial cities of the North. Similarly, between 1890 and 1910, tens of thousands of southern and eastern European immigrants came to the United States, radically altering older, 19th century immigration patterns dominated heavily by workers from northern and western Europe. By the last quarter of the century, many of these earlier immigrants had risen to the ranks of semi-skilled or skilled workmen in southwestern Pennsylvania's older, established industries, such as iron, steel, glass or coal. Recent innova-

tions in production methods in these industries, and the relatively new, systematically organized electrical equipment and aluminum manufacturing industries, created thousands of jobs filled by workers with few industrial skills who migrated to the Pittsburgh region from the economically devastated agricultural areas of southern and eastern Europe, the Middle East, and the American South.¹⁶

The Second Industrial Revolution also transformed the structure of unionism and industrial relations in American industry. Throughout the period, southwestern Pennsylvania was both a bastion of powerful industrial craft unions as well as a stronghold of anti-unionism. Craft unionism flourished in all the nation's industrial cities between the depressions of the 1870s and the 1890s. The most powerful unions in Pittsburgh and the nation were based in heavy industries like iron and glass that had yet to experience the substantive reorganization that was an integral part of the Second Industrial Revolution. The local union environment was so strong that the Federation of Organized Trades and Labor Unions, precursor to the American Federation of Labor, selected Pittsburgh for its organizational meeting in 1881. Moreover, the National Labor Tribune, a strong supporter of craft unions, was founded in Pittsburgh during a long newspaper strike by Thomas Armstrong, and gained nationwide following among workmen from the 1870s until well into the 20th century. But the changes brought on by the abandonment of iron puddling and rolling, the advent of the steel industry, and the mechanization of the various branches of the glass industry severely weakened unionism in precisely the industries in which newer immigrants were finding work. Indeed, the struggle at Homestead in 1892 by the Carnegie Steel Corporation to break the hold of the Amalgamated Association, and U.S. Steel's ruthless put down of the 1919 organizing drive were epic battles between labor and capital that singed the national conscience and kept the industry union-free until the late 1930s. Repeated attempts by the United Mine Workers to organize the Connellsville coke fields also failed, as did several organizing drives at the mammoth Westinghouse East Pittsburgh-Turtle Creek Valley works. Thus, if vibrant 19th century craft unionism was emblematic of the persistence of the craft skills of older immigrant groups from western and northern Europe, then early 20th century non-unionism was equally emblematic of the reorganization of production brought by the Second Industrial Revolution and of the newer immigrant groups from southern and eastern Europe. Equally as significant, the changes wrought by the Second Industrial Revolution laid the foundation for the dramatic rise of industrial unionism in the 1930s.

In sum, manufacturers, workers and financiers in the Pittsburgh region provided much of the labor, capital and expertise essential to America's rise to world industrial supremacy. As it changed the nation, so too did the Second Industrial Revolution reshape southwestern Pennsylvania. From a commercial, small scale manufacturing center, the heavy industries of the Second Industrial Revolution made the Pittsburgh region synonymous with dark, hulking factories, smoke-belching stacks, long hours of hard, physical labor, a vibrant industrial union movement, and a diverse population of native- and foreign-born workers and their families. If recent changes in the global economy have diminished the region's stat-

ure as a center of heavy industry, southwestern Pennsylvania's robust industrial legacy nonetheless remains intact.

FOOTNOTES

¹ Alfred D. Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Cambridge: Harvard University Press, 1977), p. 498.

² Harold G. Vatter, *The Drive to Industrial Modernity* (Westport, CT: Greenwood Press, 1975), p. 132.

³ Arthur F. Burns, *Production Trends in the United States Since 1870* (NY: NBER, 1934), pp. 58-60.

⁴ Many important interpretive aspects of the Pittsburgh region's industrial development have been covered in Edward K. Muller, "Metropolitan Industrialization: The Pittsburgh Region, 1870-1920" (Unpublished paper presented at the Annual Meeting of the Association of American Geographers, San Diego, 1992).

⁵ Calculations are the author's, based on figures taken from Bureau of Business Research, University of Pittsburgh, *Industrial Databook for the Pittsburgh District* (Pittsburgh, PA: Bureau of Business Research, University of Pittsburgh, 1936), p. 29-33.

⁶ Livesay & Chandler. Given that the railroads were the largest customers for Bessemer steel during the industry's period of initial expansion—the late 1860s and 1870s, Chandler calls "the transfer of administration techniques from the railroads to iron- and steel-producing plants * * * perfectly natural." (Chandler, *Visible Hand*, p. 267).

⁷ Joel Sabadasz, "Duquesne Works: Overview History." (Unpublished HAER manuscript, 1991), passim.

⁸ Chandler, *Visible Hand*, pp. 258-69.

⁹ Joseph Frazier Wall, *Andrew Carnegie* (Cambridge: Oxford University Press, 1970), pp. 471-536.

¹⁰ "Technological and Industrial Transformations in the Pittsburgh Region, 1850-1990: The Railroad Industry as Transportation Infrastructure and Economic Actor." Unpublished Paper, Carnegie-Mellon University, Seminar in Applied History (Fall, 1992).

¹¹ Fred Quivik, "The Connellsville Coke Region." Report prepared for the Historic American Engineering Record, 1991. Chapter V: Harold C. Passer, *The Electrical Manufacturers, 1875-1900* (Cambridge: Harvard University Press, 1953), pp. 129-150; Ronald W. Schatz, *The Electrical Workers: A History of Labor at General Electric and Westinghouse, 1923-1960* (Urbana: University of Illinois Press, 1963), pp. 3-27; George David Smith, *From Monopoly to Competition: the Transformations of Alcoa, 1888-1896* (Cambridge: Cambridge University Press, 1988), pp. 1-42.

¹² Smith, *From Monopoly to Competition*, p. 32.

¹³ Muller, "Metropolitan Industrialization."

¹⁴ Glenn E. McLaughlin, *The Growth of American Manufacturing Areas* (Pittsburgh, PA: Bureau of Business Research, University of Pittsburgh, 1938), pp. 128, 186-8.

¹⁵ McLaughlin, *Manufacturing Areas*, pp. 186-8.

¹⁶ John Bodnar, et al., *Lives of their Own: Blacks, Italians and Poles in Pittsburgh, 1900-1960* (Champaign, IL: University of Illinois Press, 1982), p. 30; Peter Gottlieb, *Making Their Own Way* (Urbana: University of Illinois Press, 1987), passim.

HEALTH CARE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, we all listened intently last week to President Clinton discuss his health care plan with the American public. As usual, what Bill Clinton says sounds good. The problem is, what he says is often very different from what he does. Voters remember how the middle-class tax cut of the 1992 campaign became the largest tax increase in American history and how the announcement that Clinton would cut the White House budget 25 percent was followed by a request for \$7.5 million increase in funding for the White House.

Well, we most certainly understand the need for health care reform is critical, but, "It is ironic that just as Vice President GORE is publicly ridiculing the inept Federal bureaucracy and unfathomable regulations, President Clinton wants to entrust the lives of all Americans and the management of one-seventh of the national economy to that same bureaucracy." (Heritage Foundation 9/23/93)

Upon closer inspection of the health care plan discussed by the President on Wednesday, September 22, you find that it is nothing but Federal bureaucracy.

One part of the plan establishes a National Health Board. This Board will be made up of seven people appointed by the President (without any mention of confirmation hearings). These seven people are going to:

Issue regulations and interpretations on what will be in your benefit package, updating it annually.

Establish and enforce a national health care budget.

Approve state implementation plans.

Calculate for each State's health care alliances a per capita budget target.

Enforce every State and alliance health care budget.

Incorporate input from a number of advisory committees.

Manage a new quality monitoring and assessment process.

And, if a State fails to meet the requirements or simply doesn't want to meet the requirements of this plan, the National Health Board becomes responsible for running that State's health care system.

It sounds to me as though these seven people have more to do than they can reasonably handle. It sounds to me as though this plan puts the Government in charge and not the consumer. It sounds to me as though the American public is in for some serious changes in the delivery and quality of health care. And these changes won't be for the better.

HONORING RABBI HERMAN E. GROSSMAN, CHIEF OF CHAPLAINS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Herman E. Grossman, chief of chaplains at Veterans Hospital in Northport, NY.

In 1943, Herman Grossman received both his bachelor of arts degree from Harvard University and his bachelor of religious education degree from Hebrew College in Roxbury, MA. After completing his studies at chaplain school in St. Louis, MO, he has served the active and retired men and women of the U.S. armed services for 29 years. For the past 21 years, he has been staff chaplain at the Veterans Hospital in Northport, NY. Eleven months ago, Rabbi Grossman became the chief of chaplains for the Department of Veterans Affairs.

Rabbi Grossman, an Air Force Reserve retiree, is still active at the age of 71, as a member of the Rabbinical Assembly, the Hunting-

ton Clergy Association, the Long Island Board of Rabbis, Phi Beta Kappa, and the Harvard Alumni Association.

Rabbi Grossman has given selflessly of himself to countless patients and their families, staff, and volunteers of all faiths. In October 1993, he will retire from the hospital staff and move to Israel with his wife to join two of three sons who currently reside there.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in paying tribute to Rabbi Herman E. Grossman for his hard work and dedication to the patients of the Northport Veterans Hospital, and to commend him for his ongoing devotion and commitment to the veterans of the United States of America.

UNITED STATES POLICY TOWARD IRAN'S MOJAHEDIN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HAMILTON. Mr. Speaker, in August, I wrote to the Department of State asking for an explanation of United States policy toward the organization called the National Council of Resistance or the People's Mojahedin of Iran [PMOI], a political and military organization opposing the Government of Iran and an organization active in the United States and promoting a resolution on Iran which has been circulating in the Congress.

Attached is a copy of my letter to the State Department and the resolution being circulated in the Congress as well as the reply of the Department of State dated September 20, 1993. The State Department states its concerns about the PMOI and its use of terrorism and explains why the United States maintains a policy of no contacts with the PMOI.

This correspondence which I would like to bring to the attention of my colleagues follows:

COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, August 3, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State,
Washington, DC.

DEAR MR. SECRETARY: Attached is a copy of a resolution which is being circulated by some of my colleagues in the House of Representatives regarding U.S. policy toward Iran. Among other things, this resolution urges the President to consider opening a dialog with the National Council of Resistance of Iran.

I would appreciate receiving the Administration's views on this resolution, in general, and specifically on the desirability of dialogue with the NCR.

I appreciate your prompt consideration of this matter. I look forward to hearing from you.

With best regards,

Sincerely,

LEE H. HAMILTON,

Chairman.

Enclosure.

Whereas, the Human Rights Watch World Report for 1993 reports that "Iran retained its unenviable reputation for having one of the worst human rights records in the region."

Whereas, the Iranian authorities have harshly repressed anti-government protests

and demonstrations seeking establishment of democracy and human rights.

Whereas, prisoners of conscience remain in prison and torture of prisoners continues.

Whereas, several government opponents living abroad were murdered in circumstances suggesting that they may have been victims of extrajudicial executions.

Whereas, persecution continues against political opponents and ethnic and religious minorities.

Whereas, Iran remains one of the world's most egregious state sponsors of terrorism, according to the State Department's 1993 Report on Terrorism.

Whereas, Iran has engaged in a major rearmament drive, and is also pursuing the acquisition of non-conventional weapons.

Resolved by the House of Representatives of the United States of America, that the Congress,

1. Supports a U.S. foreign policy which promotes human rights and democracy in Iran.

2. Supports a ban on all arms sales and military assistance to the current regime in Iran.

3. Urges a strong U.S. role in developing an international policy to end the sale of arms and technology to Iran until it ends human and political rights abuses.

4. Urges the President to support the aspirations of the Iranian people for democracy and human rights and to consider opening a dialog with the National Council of Resistance of Iran, which espouses democracy and human rights.

U.S. DEPARTMENT OF STATE,

Washington, DC, September 20, 1993.

Hon. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House
of Representatives.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of August 3, addressed to Secretary Christopher. You asked for the Administration's views on a proposed resolution regarding U.S. policy on Iran. The resolution urges, among other things, that the President consider a dialogue with the National Council of Resistance.

On the general topic of our policy toward Iran, the Administration's position was detailed by Assistant Secretary Djerejian in his testimony of July 27 before the Committee. That statement of policy remains current.

Concerning contacts with Iranian opposition groups, there are numerous such groups in the United States and abroad that do not espouse violence and whose political aims range from supporting a return of the monarchy to establishing a constitutional democracy. Many focus their efforts on Iranian human rights abuses, and work closely with the U.N. Human Rights Committee and private human rights groups. We do meet with representatives of such groups at their request, and believe these contacts are useful as an informational exchange.

However, the National Council of Resistance is closely linked to the People's Mojahedin of Iran (PMOI), also known as the Mojahedin-e Khalq (MEK). Both groups are led by Masud Rajavi. The Administration maintains a policy of no contacts with the PMOI and, by extension, the NCR. This decision is based on our opposition to the PMOI's use of terrorism. Just as we vigorously oppose the Iranian Government's support for terrorism, we do not condone the use of terror and violence in turn by the Mojahedin or any other opposition group. Nor can we forget that U.S. citizens were the victims of PMOI terrorism in the 1970s, or that the

group supported the takeover of our Embassy in 1979 and the holding of U.S. diplomats. The PMOI's claim that the organization is not responsible for actions carried out while its current leaders were in jail is a facile one and, in the case of the Embassy takeover, erroneous. As shown in attached 1981 excerpts from the PMOI's own newspaper—published after current PMOI leader Masud Rajavi was released from jail in February 1979—the group fully supported the Embassy takeover and opposed releasing our diplomats. Only in recent years has the PMOI sought to distance itself from its past in order to gain Western support.

Other factors support our view that it would be inappropriate to deal with the PMOI/NCR. The National Council of Resistance's claims to be a democratic organization have never been substantiated by its actions. The NCR did, at its inception, include a diverse range of Iranian opposition groups. However, within three years most of the groups that were not controlled by Masud Rajavi had left the organization. According to Ervand Abrahamian's book *The Iranian Mojahedin* (Yale University Press, 1989), these groups left because the NCR was not democratic, but rather manipulated by Rajavi.

In years since, most Iranian opposition groups have continued to refuse cooperation with the NCR. A recent example was a 1992 interview with the late Dr. Sa'idi of the Democratic Party of Kurdistan (Iran), who denied any links or connections with the PMOI, and said, "In our opinion, our cooperation with the PMOI right now is impossible." We have no reason to believe the PMOI has become democratic, nor that an Iranian government established by the NCR would be.

In a different area, I would note that the PMOI/NCR reporting often contains questionable statements and assertions which do not stand up to later examination. Our intelligence community judges that their reporting is not reliable without validation from other sources.

Our own analysis does not support PMOI claims to widespread support inside Iran. The PMOI's military wing, the national Liberation Army, continues to be based in Iraq and retains the support and financing of Saddam Hussein's regime. The PMOI joined Iraqi forces in the eight-year war with Iran. These ties to Iraq have discredited the Mojahedin and NCR in the eyes of many Iranians, and the organization does not represent a significant political force among Iranians.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

THE MOJAHEDIN-E KHALQ ON THE IRAN-US HOSTAGE CRISIS

The Mojahedin-e Khalq Organization (MKO), the Iraq-based Iranian opposition organization, was in full support of the takeover of the US embassy and the holding of our hostages during the 1979-81 hostage crisis in Iran. Their own published statements show that their anti-US position at that time was much more hard-line than that of Iran's leaders.

Though the Mojahedin now deny a role in that crisis, they advocated a tough hostage

policy in several issues of their own official newspaper, *Mojahed*, published in Persian in Tehran in 1980-81. The MKO's present leader, Masud Rajavi, was in command of the group at that time.

One commentary in particular (in issue 107, published January 27, 1981—just a few days after the hostages' release), scores the Khomeini government for releasing the hostages too soon and for too little gain. Among its main points:

—The Mojahedin at the Embassy: The commentary reminds its readers that the Mojahedin were the "first forces that fully stood in support of the occupation of the American house of spies. The organization's members and sympathizers stood in front of the embassy 24 hours a day for weeks and months . . . and kept the place as a focal point of anti-imperialism."

—The hostage "card": The commentary derides those "monopolizing" power in Tehran—i.e., the clerical regime—for misusing the hostage card only to benefit themselves in their own internal power struggles. It argues that the card could have been used better for the struggle against American imperialism.

—Iran's revolutionary leaders: soft on America: The paper mocks the "anti-imperialism" of the leaders as insincere, complaining that their calls for the trial and execution of the hostages turned out to be hollow. It says the Mojahedin had "regularly warned" against giving ground on the hostages, which would only "embolden and encourage the imperialists."

—America the enemy: The commentary declares that the Mojahedin's policy was to use the hostage crisis to spread "anti-imperialistic culture" and to reveal the true face of American imperialism as the "fundamental enemy of our people." It quotes a letter the MKO sent some fourteen months earlier to Iran's Revolutionary Council demanding that all treaties and relations with America be cut off without delay. The commentary declares that the Mojahedin still aim "as much as possible to close the path to reconciliation with America."

HONORING DONALD E. MROSCAK ON HIS RETIREMENT FROM GARFIELD HIGH SCHOOL

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize a very special individual and dedicated educator, Mr. Donald E. Mroscak, a former counselor and college advisor at James A. Garfield High School in East Los Angeles.

Born in Springfield, IL, the son of Polish immigrants, Mr. Mroscak understands and is sensitive to the diverse cultural values of the predominantly Latino population at Garfield High School. Identifying with the day-to-day struggles faced by first generation Americans, Mr. Mroscak has been able to instill in the students and their parents the value of a college education.

Mr. Mroscak received his Bachelor of Science degree from the University of Notre Dame in 1956. After completing graduate work at the University of California and California Lutheran College, he received his Master of

Arts degree in educational administration. In 1960, he joined the Los Angeles Unified School District. Seven years later, Mr. Mroscak began his long and successful tenure at Garfield High School as a drop-out prevention counselor.

As a career counselor, Mr. Mroscak has profoundly influenced the lives of Garfield High School students. His constant encouragement has inspired hope in gang members and has prevented students from dropping out of high school. When I was a student at Garfield it was such an inspiration when a teacher/counselor motivated me to pursue graduation and seek higher education. That was back in 1949. Today's student needs are no less and I applaud Mr. Mroscak's encouragement to them.

Mr. Mroscak's commitment to the future of his students has prompted him to seek funds for air travel, to offer his home as shelter, and to work with parents and the community at large to find ways to facilitate higher educational opportunities for each of the 4,000 students at Garfield High School.

Mr. Mroscak's significant contributions to society have gone well beyond the classroom and into the community. He has served as an active member of various academic and local community organizations which include: College Board Council on Access, the board of the Notre Dame High School, the Advisory Board of California State University in Los Angeles, and the board of the McDonald's HACER Scholarship Fund. He is also a member of numerous associations, including the National Association of College Counselors, Unionized Teachers of Los Angeles, the National Education Association, and the East Los Angeles Rotary Club.

Mr. Speaker, it is with great pride that I rise to recognize a widely-loved and respected educator, Donald Mroscak. I ask my colleagues to join me in saluting him for his outstanding commitment to the education of our leaders of tomorrow and for his long-standing public service record to the residents of the 34th Congressional District.

H.R. 3130, IMPROVING AMERICA'S SCHOOLS ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GOODLING. Mr. Speaker, Congress is embarking on one of the most important legislative efforts of this session, the reauthorization of the Elementary and Secondary Education Act [ESEA]. This legislation has the potential to revitalize the \$400 billion American education system.

As ranking member of the committee, and an educator for over 40 years, I believe that we need to take a fresh look at the 43 separate programs that make up ESEA. The \$10 billion sent to State and local school agencies under the authority of this Act must become the driving force for a dramatically improved education system for all students.

In order to move Federal support in this direction, I have already introduced legislation that would: increase the ability of local schools

to use the money as they see fit, to focus programs on improving schools rather than meeting Federal regulations; encourage school districts to work with other service providers in the community so basic needs, such as eye-glasses and after school care, are provided and complement the educational instruction; and, set high academic expectations for students, adding excellence to our drive for access.

Last week, I joined a bipartisan group of Members in cosponsoring the Department of Education's reauthorization bill for ESEA. Even though there are some provisions in this proposal which cause me great concern, I have cosponsored it because the Department has included major provisions that closely track the ideas that I have been pushing for several years. These include: setting high achievement standards as the expected goal of students in Federal programs, providing local educators with a great deal of flexibility in how to design their school activities, and allowing educators to use these funds to reach out to others who should be part of a community-wide effort to make every child a success. It is also important that education not become a partisan issue.

There are two specific areas of the legislation that I will be working very hard to change. The chapter 1 formula which distributes over \$6 billion a year to schools across the country is unacceptable in the administration's proposal. While I have supported the targeting of resources in the past, I also know first hand the need for educational assistance in small cities like York, PA, which has a poverty rate of over 30 percent. I have introduced legislation which would expand, not cut, funding to these smaller, high-poverty areas and intend to have it included in the final bill.

In addition, the chapter 2 education block grant currently provides the only funds schools now have that can be used to carry out innovative ideas. I believe I can convince the committee and Congress that the wisest course is to expand the pool of funds available for broad school reform activities, not get rid of them.

As the legislative process continues, I will be making every effort to correct these, and other, problems in the legislation and to write a bill that provides access to a quality education for all students.

ANTIQUATED DELANEY CLAUSE SHOULD BE REPEALED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the September 23, 1993, Omaha World-Herald, regarding the need to repeal the Delaney clause. As the editorial indicates, the Delaney clause is an anachronism which is unrealistic in light of the rapid scientific and technological advances made in the years since the original law was passed. Contrary to the rhetoric of the law's supporters, it is possible to repeal the outdated Delaney clause and still maintain a safe food supply for everyone.

[From the Omaha World-Herald, Sept. 23, 1993]

REPEAL ILLOGICAL, ANTI-SCIENCE LAW

Congress has an opportunity to repeal a law that has become a symbol of scientific illogic in the 1990s. The law should go.

It is known as the Delaney clause. Established in 1958, it forbids the sale of food products containing trace elements of any substance known to cause cancer in laboratory animals.

That requirement may have seemed reasonable in 1958, when much less was known about cancer. Furthermore, the best testing equipment in 1958 was capable of identifying a residue equal to one part per thousand—a fairly heavy concentration.

But the standard is reasonable no longer. Scientists have demonstrated that tiny traces of some cancer-causing materials exist in nature. And the equipment they use to measure such things is accurate enough to find traces that border on nothingness.

Sticking with the Delaney clause's zero-tolerance standard would mean that the government must keep a product off the market even if its "contamination" level were so low that no human could possibly be affected. That's the standard that the Ralph Nader people and others are trying to protect. They sued the federal government to keep the law in force. They said they will fight efforts to repeal it.

Defenders of the Delaney clause sometimes paint a picture of a heartless government, putting innocent children at risk by allowing greedy corporations to pump dangerous chemicals into the food supply. Like much of the rhetoric from extremists, that picture is inflammatory and inaccurate.

Respected organizations, including the American Medical Association, have said that the zero-tolerance rule is scientifically invalid. Trace residues of pesticides as small as a part per trillion or quadrillion, detectable only by advanced scientific instruments, often don't pose a risk to human health.

A more reasonable standard would allow the government to ban a substance if it were found in food at a level that posed a significant health risk.

That's the standard the Clinton administration has suggested to Congress as part of a proposed pesticide bill. Congress would do well to consider the new standard's merits.

IMPLEMENTATION OF THE 1992 CABLE ACT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MAZZOLI. Mr. Speaker, in response to Americans who protested ever-increasing cable television bills, Congress passed the 1992 Cable Act. The Act directed by the Federal Communications Commission [FCC] to establish benchmarks for both cable prices and customer services which had to be met by all cable operators. The Act also required the FCC to monitor implementation of the law.

What has happened since the Cable Act went into effect? Well, in my community of Louisville and Jefferson County and around the Nation, some cable fees have gone down but lots have gone up. Some cable channels have been added but a lot of popular ones

have been dropped. And, many channels have been repositioned on the cable dial.

All in all, the cable customers are even more frustrated, confused and angry than they were before the Act was passed.

Many of us in Congress believe the FCC has fallen short in protecting cable customers as Congress intended by the 1992 Act.

The FCC has been called to Capitol Hill on September 28 to testify before the House Telecommunications Subcommittee concerning actions it has taken since the Cable Act became effective, and what steps the Commission plans to take to remedy the dismaying situation in cable television.

Mr. Speaker, I commend to the attention of our colleagues a New York Times article of September 18, 1993, and a Washington Post article of September 25, which outline succinctly the FCC's actions and inactions under the 1992 Act.

[From the New York Times, Sept. 18, 1993]

F.C.C. REVIEWING CABLE TV RATES AS ROLLBACKS TURN INTO INCREASES

(By Edward L. Andrews)

WASHINGTON, Sept. 17—Six months after the Federal Communications Commission promised cable television customers \$1 billion in annual rate rollbacks, the agency confirmed today what many consumers have argued: cable rates actually seem to be rising.

"It's obvious there's a problem, but we'll have to find out the extent of it," said James H. Quello, the acting chairman of the commission. Amid a torrent of complaints from angry consumers and members of Congress, the F.C.C. announced that it would start a detailed survey of the prices charged by the 25 biggest cable companies.

The F.C.C. is giving the companies just two weeks to respond, and Mr. Quello acknowledged that the results might force his agency to rewrite the foot-high stack of rules it just finished painstakingly drawing up.

A TURNABOUT FOR AGENCY

The announcement amounts to a big embarrassment for F.C.C. officials, who until now strongly denied there was any problem. Indeed, in recent weeks Mr. Quello and other officials have issued several blunt statements insisting that any price increases for some customers were more than offset by declines for others.

The new rate regulations, which took effect on Sept. 1, were issued in response to legislation Congress passed last October to rein in price increases and force cable companies to improve their service. Since the cable television industry was deregulated in 1986, cable prices had been climbing at more than twice the rate of inflation—in part because all but a handful of systems enjoy monopoly franchises.

The new rules set up a complicated system of "benchmark" prices, and F.C.C. officials had predicted that they would force rate reductions of more than 10 percent for about two-thirds of all cable systems.

But it has not necessarily worked that way, as consumers have been discovering in the last few weeks. Virtually reversing what the F.C.C. had intended in writing the new rules, prices for basic and expanded services have gone up at many companies, while the cost for options like additional outlets have gone down.

In New York City, for example, Time Warner Cable shaved the price of its most basic

package by 24 cents a month, to \$14.71, while increasing the additional charge for its expanded service by 87 cents, to \$8.87, according to the city's Department of Telecommunications and Energy. The combined total monthly rate increased to \$23.58 from \$22.95.

As consumers started to receive the new price list by mail, they started flooding members of Congress with complaints. Aides to Representative Edward J. Markey, the Massachusetts Democrat who led the House fight to deregulate cable, said they had been getting 50 to 75 calls a day from consumers in the last few weeks. Even before today's F.C.C. announcement, Mr. Markey had scheduled a hearing on the matter for Sept. 28.

Mr. Markey and Representative Christopher Shays, a Connecticut Republican, have been circulating a "Dear Colleague" letter in the House demanding that the F.C.C. revisit its rules. Nearly 100 lawmakers have signed the letter so far.

Congressional staff members said the F.C.C.'s new rate survey was, if anything, overdue. "What this survey shows is that the F.C.C. is at least having second thoughts that this is not working out the way they thought it would," said Gerry Waldron, senior counsel to the House Energy and Commerce Committee's Subcommittee on Telecommunications. "The survey itself will tell us the extent of the problem."

Mr. Quello recently got his own taste of consumer anger. As a guest on a call-in radio program in Detroit this month, he faced a barrage of complaints from residents who were mystified by, and upset about, cable prices.

Officials of Time Warner, the nation's second-biggest cable operator, after Telecommunications Inc., said they would cooperate with the F.C.C.'s inquiry.

"We think it is perfectly appropriate for the F.C.C. to gather information about how we are complying with the statute, and we will pledge our full cooperation," said Tim Boggs, a lobbyist for the company in Washington.

But it may be hard to determine where rates really stand for the nation's customers. For one thing, the regulations play out differently for each of the nation's 11,000 cable franchises, and the customers of one system may get rate cuts while prices go up for those in an adjacent town.

A COMPLICATED APPROACH

The public's anger over cable prices had led Congress to pass the cable bill last year over President George Bush's veto. But the law set out a complicated approach to lowering prices. The F.C.C. was directed to issue and enforce price guidelines that would lead cable operators to charge rates comparable with those in the handful of markets with real competition.

To do this, the F.C.C. came up with a staggering collection of benchmark prices, which varied depending on the number of channels offered and the number of customers for a cable system.

But these benchmarks were total prices for all of the services the companies could offer. As a result, many companies found they could stay within the guidelines by dropping their highest prices for the fanciest level of service while raising the charges for more basic service.

The result has been confusion.

In general, the biggest reductions are going to people who subscribe to the most lavish monthly packages, have more than one cable outlet in the home and rent re-

mote-control devices. Figuring out the net result requires calculating how many customers fall into these rough categories.

Tele-Communications, based in Denver, told Wall Street financial analysts this summer that rate regulation would cost it about \$160 million, or 4 percent of its total revenue. Time Warner has said it will give up between \$90 million and \$100 million.

Regardless of the survey's findings, however, there is a growing consensus that the regulations are having at least one unintended result; they seem to be helping relatively affluent people who buy fancy service while hurting the people who buy bare-bones packages, who are likely to be poorer.

Some Congressional critics say regulators may have misfired in their basic calculations.

"The F.C.C. set the benchmark prices too high," Representative Shays said in an interview. "Its own analysis showed that cable systems that face effective competition have prices that are 30 percent lower than those that don't, but the benchmark prices are only 10 percent lower."

Agency officials have acknowledged this point since the rules were adopted. But they say they had no choice, because the law passed by Congress includes a peculiar definition of "effective competition" that includes cable systems with very low market penetration and systems owned by municipalities.

[From the Washington Post, Sept. 25, 1993]

LAWMAKERS LEAN ON FCC OVER NEW CABLE RULES—RISING RATES SPUR COMPLAINT

Members of Congress are pressuring the Federal Communications Commission to rethink its new cable rules.

In a letter sent yesterday to FCC Chairman James H. Quello, 130 members of Congress, mostly Democrats, told the agency they were "deeply concerned" about cable rate increases that have taken effect in communities across the country since the new federal regulations went into effect on Sept. 1.

"It appears that a number of cable companies are planning to raise, rather than lower, their cable rates. Such a perverse result forces us to question whether these rate increases reflect a flaw or loophole in the commission's regulations," the letter said.

The letter's principal authors were Rep. Edward J. Markey (D-Mass.), chairman of the House subcommittee on telecommunications and finance, and Rep. Christopher Shays (R-Conn.). Twenty-two Republicans and one independent signed the letter.

When the law was adopted a year ago, the FCC said consumers would save \$1 billion on their cable bills. A commission promise since then that at least two-thirds of consumers would see savings is not coming to pass, a Markey aide said.

Cable companies put into effect new rates on Sept. 1 based on a complicated FCC formula. For many subscribers, lower costs for remote controls, extra hookup or installation offset higher monthly charges for basic service.

Quello, the chairman of the FCC, said yesterday, "There has been too much of an expectation that all rates will go down." He said he still expects consumers will save about \$1 billion from the deregulation of the cable industry, "or we'll do reregulation or [Congress] will have to do some legislation."

Quello said the FCC is in the process of surveying 25 of the largest cable operators to find out how prices have changed.

"We'll take corrective action, but [Markey] wants immediate action," said Quello,

who noted that his own cable bill in Alexandria has decreased. "There will be some churn and fine-tuning."

The idea of the cable act was that rates in areas served by one company should be set at the same levels that systems in competitive markets charged.

A spokeswoman for the National Cable Television Association said "cable companies are continuing to work hard to implement the new law," while the FCC does its own survey of prices.

Since the regulations have gone into effect, members of Congress, state regulators and consumer groups have gotten complaints that price increases are being slapped on some of the most popular programming packages that go out to the most subscribers. Consumers also are reporting that cable companies, to recoup their losses, are taking away discounts for senior citizens or charging more for installation.

"It's clear, at least the way the companies have implemented it, that there are consumers who should be benefiting and are not," said Bill Squadron, president of the National Association of Telecommunications Officers and Advisors, a group of officials who handle local cable rate regulation.

But John Mansell, senior analyst with Paul Kagan Associates, a media research firm, said consumers are saving on such things as multiple outlets and remote controls as a result of the new law.

The FCC "is supposed to be an expert agency. It shouldn't be subject to every whim of Congress," Mansell said. "One can only hope that the FCC's survey results are based on reason rather than politics."

100TH ANNIVERSARY OF DOBBS FERRY COMMUNITY HOSPITAL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GILMAN. Mr. Speaker, I rise to call to the attention of our colleagues the impending celebration of the 100th anniversary of the Community Hospital in Dobbs Ferry, NY.

Americans familiar with our beautiful Hudson River Valley are probably aware of the village of Dobbs Ferry, one of the most picturesque of all the communities along the majestic Hudson. The Community Hospital at Dobbs Ferry began its compassionate services to the Dobbs Ferry community on October 13, 1893. In the 100 years which has transpired since then, the hospital has continued to provide the finest health care available, and has remained on the cutting edge of the fast breaking developments in the field of medical science.

In recognition of this milestone, the hospital is planning on Saturday, October 16, an historical retrospective and health fair, and plans to recognize with an appropriate plaque those citizens of their service area who are celebrating a 100th birthday this year.

Mr. Speaker, many persons were brought into life and many persons were healed at the Community Hospital at Dobbs Ferry. Staying in business for a full century is an achievement deserving of our recognition and praise.

Accordingly, I invite my colleagues to join in congratulating the Community Hospital in Dobbs Ferry for its extensive dedicated service.

JAPAN-UNITED STATES
FRIENDSHIP ACT**HON. ROBERT E. WISE, JR.**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. WISE. Mr. Speaker, today I introduced legislation that is designed to strengthen the Japan-United States Friendship Commission.

The Japan-United States Friendship Commission was established as an independent Federal agency by the United States Congress in 1975 (Public Law 94-118). The Commission administers a United States Government trust fund that originates from part of the Japanese Government repayments for United States facilities built on Okinawa and returned to Japan, and for postwar American assistance to Japan. Income from the fund is available for the promotion of scholarly, cultural, and public affairs activities between Japan and the United States.

The purpose of the Commission as defined in the Japan-United States Friendship Act is to promote "education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interest between the United States and Japan." The Commission's mission is critical to the interests of the United States because in the words of the Act, "the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity and security in Asia and the world."

Mr. Speaker, the Commission has been extremely successful in meeting its goal of promoting mutual understanding between Japan and the United States. However, its ability to meet this mission has been diminished in recent years due to a deteriorating endowment.

When Congress created the Commission it provided it with an endowment of \$18 million and an approximately equivalent amount of Japanese yen. The legislation I introduced today would authorize an additional \$50,000,000 to further capitalize the Commission's endowment. This could perhaps be done in increments of \$10 million over 5 years. In addition, the legislation would enhance the investment authority of the Commission as well as strengthen criteria for membership on the Commission.

Mr. Speaker, the work of this Commission has never been more important. In view of the increasing interdependence of the United States and Japan and the resulting friction and misunderstanding, I hope this body will look favorably on this proposal.

MARY CLARKE HONORED AS A FINALIST IN VFW VOICE OF DEMOCRACY COMPETITION

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SANGMEISTER. Mr. Speaker, it is a great pleasure for me to congratulate Mary Clarke, a 15-year-old constituent from Joliet,

for her outstanding achievement. Mary was honored as a finalist and awarded a \$1,500 scholarship for her entry in this year's Voice of Democracy Scriptwriting Competition and Scholarship Program. Sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary, the nationwide contest seeks to inspire our future leaders to think about the responsibility to the next generation. More than 136,000 secondary school students competed for 29 national scholarships in this year's contest, by writing a speech entitled "My Voice in America's Future."

I am confident that we will be hearing a great deal more of Mary's voice in the years to come. A future educator, she has the sensitivity, vitality, and conviction to make a difference in her community, and beyond. You will realize this for yourself when you hear Mary's speech:

MY VOICE IN AMERICA'S FUTURE

(By Mary Clarke)

I use my voice everyday. A day in my life has not yet passed where I do not use my voice. As a baby, I used my voice to cry out so my parents would take care of me and give me what I needed. When I was a child I learned how tell people what I needed with my voice. Now I use my voice to ask others what they need. In the future, I will use my voice to try to make America's future brighter.

Just as a word is not a word without each and every one of its letters; a voice is not a voice if it does not have certain basic components. So I have taken the word VOICE and broken it down letter by letter to show the importance and strength of each letter and what they stand for. If I can use these building blocks to create a solid, firm voice—My Voice In America's Future will be heard. The V in voice will stand for volume, the O for optimism, the I for inquisitiveness, the C will stand for certainty, and the E for endurance.

A voice needs volume so it is audible, so it can reach people's ears as well as their hearts. Without volume a voice is not heard and voice that is not heard is no longer a voice but merely a thought that cannot touch any lives. So first to give your voice volume—you must speak so you can always be heard.

The O represents optimism. A voice needs optimism so others can find hope and a reason to move forward—so we can see our future in a more positive light. If a voice is not optimistic people have no faith, no energy, no excitement to leap into tomorrow. To give your voice optimism you must stand tall, look forward—never back—and smile.

We all know that to learn we should ask questions. That is why there is an I in voice for inquisitiveness. Problems can be solved, questions can be answered, and new ideas can be found when a voice is inquisitive. We need to be curious about others, their way of life, and their solutions to life's difficulties. We should share our advances as well. To make your voice inquisitive you must ask pertinent useful questions that will help you to arrive at your goal sooner.

The letter C in voice stands for certainty. A voice must have certainty so we can all trust in it and in ourselves. People listen—not to a weak voice—but to a strong, confident voice that has direction and reason. If we are sure of ourselves, our voices in turn will reflect that. To instill certainty in your voice, you must believe in everything it says.

E is the final letter of voice. E is for endurance. For a voice to endure it needs many things—it needs the ability to hold ground when someone tries to silence it, a voice needs the strength to trample down the destructive problems of society, and it must overcome time, hate, sadness, and lies. To accomplish these feats and all others a voice must have volume to be heard, optimism to seek out tomorrow, inquisitiveness to find solutions, certainty so it is believed in—with all these and the power to endure, a voice is then complete.

My voice is my future. My voice and endurance is America's future.

TRIBUTE TO HUNTINGTON BAPTIST CHURCH ON THEIR 125TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Huntington Baptist Church, in Suffolk County, NY, on the occasion of its 125th anniversary.

During the past century and a quarter, the Huntington Baptist Church has mirrored the history of the town of Huntington: Beginning with simple plans to provide a parsonage for Huntington; continuing on with the first conversion of a Native American in the community, Mrs. Hannah Jackson; and on to the present day church and Sunday school located at High Street and Oakwood Road.

Mr. Speaker, the church began simply, when 12 members in 1868 withdrew from the Union Baptist Church of Cold Spring Harbor and decided to form their own house of worship. Despite the grave difficulties and many disappointments which beset the little band, they had strong faith and were able to persevere. The early efforts of this dozen resulted in the construction of the church in 1870.

Throughout its history, the Huntington Baptist Church has been an integral part of the community, participating in all facets of life in Huntington, and reaching out to those in need. As it begins its sixth quarter century of ministry, may the church and its congregants celebrate a future filled with the same commitment, energy, and devotion as that first tiny band of 12.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in extending congratulations and best wishes to Pastor Peter Sherwood Sanborn and the Huntington Baptist Church on the celebration of their 125th anniversary.

LACINDA "CINDY" HESS RETIRES AFTER YEARS OF SERVICE TO SCOUTING AND COMMUNITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SOLOMON. Mr. Speaker, having been associated with scouting all my life, I have a special admiration for those people who give

so freely of their time to make scouting the great institution it has been in American life. I'd like to say a few words about one of those people today.

Lacinda "Cindy" Hess is, you might say, the first lady of scouting in my hometown of Glens Falls, NY. She will be retiring in October after 18 years of service as executive director of the Adirondack Girl Scout Council.

Ironically, Cindy Hess never had time to be a girl scout when growing up in the World War II era. Her father was in the military, and that involved too many relocations. But when her daughters Meredith, Karen and Leslie became girl scouts, Cindy Hess became a leader of Brownie Troop No. 31, and her devotion to scouting had begun.

Over the years, Cindy Hess has coordinated hundreds of volunteers, always remaining accessible to them, and to her staff. She moved the council into a corporate system, which was an innovative step at the time, and she is largely responsible for the council's current financial and administrative strength.

She has had an impact on thousands of girls, teaching them the spirit of voluntarism which has made America the greatest Nation on Earth.

Mr. Speaker, Cindy Hess lives and breathes that spirit of voluntarism. After earning bachelor's and master's degrees in history, raising her children, and working in various teaching capacities, she got involved in her community in a big way.

She was elected to a term on the Glens Falls common council, where she chaired the audit and finance committee. She has been an elder and member of the board of trustees of the First Presbyterian Church, and president of the Zonta club and Glens Falls club of college women. She chaired the Warren/Washington interagency council and the Warren County youth board. She is currently a member of the Adirondack regional chambers of commerce leadership advisory board. She is a member of the Chapman Museum historical board and currently chairs its development committee. Cindy Hess has also organized volunteers to help local teachers. She somehow has found time to help in the family business, Hess Ventures.

It is an amazing record of achievement and selfless dedication. She certainly deserves the greater time she will spend with her family, which now includes four grandchildren. I and everyone who knows her are grateful that she still will be quite involved in the community.

Mr. Speaker, I ask you and other members to join me in a salute to a remarkable lady and close personal friend, Lacinda "Cindy" Hess of Glens Falls, NY.

FOREIGN ASSISTANCE TO NICARAGUA

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BECERRA. Mr. Speaker, on Tuesday, September 21, 1993, I voted in support of the Senate-amended version of H.R. 20, the Federal Employees Political Activities Act. Al-

though I am a strong supporter of this legislation, I would like to state my concern over the Senate amendment which expresses the sense of the Senate that United States foreign assistance to Nicaragua should be withheld until an international investigation of the Sandinista Liberation Front with respect to acts of terrorism takes place.

Not only is this issue not germane to the proposed legislation, but there was no opportunity for review or discussion of this amendment through the committee process.

Therefore, while I support both the intent and the action contained in H.R. 20, I am disturbed over the Senate's use of good legislation as a vehicle to convey a totally unrelated concern.

\$284 MILLION A YEAR FOR FOREIGNERS WHO LIKE THE CANADIAN HEALTH CARE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. STARK. Mr. Speaker, lots of conservative commentators and their supporters in Congress love to yak about long lines for health care service in Canada and how Canadian doctors are fleeing to the United States. They are wrong on both counts: There are no lines for emergency care and in one recent year, more United States doctors moved to Canada than came here.

But the really embarrassing news is contained in the September 23, 1993 the *Globe and Mail* of Toronto:

U.S. President Bill Clinton's plan to provide health insurance for all Americans, paid for partly with cigarette taxes, offers two accidental benefits for Canadian Government finances:

Americans would no longer be tempted to slip across the border for free Canadian health care.

Smuggling of cigarettes from the U.S. would become somewhat less lucrative, and perhaps less widespread.

No one knows how many U.S. free riders use Canada's health system, but a leaked report by Ontario Health Insurance Plan investigators earlier this year estimated that use of health cards by ineligible people, some from the United States costs as much as \$284 million a year.

There is evidence that Americans cross the border to have babies and get treatment for AIDS, among other things, the investigators said.

This past summer, Ontario officials charged a woman from Rochester, NY, with impersonation and attempted fraud, and an Arkansas man with conspiracy to defraud, in connection with use of health cards.

Once again, I hate to bother the ideologues who bad-mouth Canada, but I hope that an occasional fact or two could slip into their brains. I would hope these facts would help shame them into supporting a true reform of our Nation's health care system.

RAY MCKAY, MARITIME LABOR LEADER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MANTON. Mr. Speaker, last month, the American labor movement and the U.S. merchant marine lost a distinguished leader with the death of Ray McKay, president of the American Maritime Officers.

Ray began his maritime career on an ammunition ship that departed Pearl Harbor just hours before the Japanese attack. He served on numerous other ships during the war—a time when U.S. merchant vessels were being sunk within sight of the U.S. coast. His service on those ships taught him about the critical role of the merchant marine in time of war and peace. For Ray, the fact that merchant mariners suffered a higher casualty rate than the Army, Navy, and Air Force was more than a statistic, it was a grim testament to the sacrifice of his friends.

In peacetime, Ray fought to improve the lives of seamen. Those who went to sea before, during, and after the war, worked under conditions that are not imaginable today. The lot of these workers was characterized by long hours, low pay, cramped quarters, and next to no fringe benefits. Ray led the fight to assure decent pay and working conditions for those who engaged in this dangerous and lonely profession.

Throughout my time in Congress, a time when the merchant marine has been under unwarranted attack, Ray McKay was a voice of compromise. When the critics of maritime labor called for a reduction in wages and benefits, Ray was willing to call on his followers to sacrifice—if it was a shared sacrifice, with management and others sharing the burden. As carriers sought to abandon the U.S. flag, Ray challenged their actions. He was a man of courage and conviction and we will miss his counsel.

As we seek to reverse the dismal record of the last 12 years, we face a difficult battle—a battle that will be more difficult because we lack the strength and assistance of Ray McKay.

HONORING ARNOLD HYMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ENGEL. Mr. Speaker, I wish to take this opportunity to honor a community leader and good friend from my district, Mr. Arnold Hyman, on the occasion of his 50th birthday.

Mr. Hyman has worked for the New York Public Library since 1959, and during that time he has worked hard to improve and enhance services to the community. He was recently named regional branch librarian at the Kingsbridge Branch Library, and he has been the coleader and guiding force of the longest-running library book discussion group in the Bronx.

Arnold Hyman is also active in several political and community affiliations. He was one of the founders of the Bronx Pelham Reform Democratic Club and a former president of the Community Center of Israel, where he currently serves on the board of trustees.

Most of all, Arnold Hyman has been truly devoted to his family and friends. He is a native Bronxite who has continued to live in the borough and worked to improve its quality of life. He has been continually supportive of me, my family, and many of his neighbors. On behalf of every person whose life has been touched by Arnold Hyman, I congratulate him on reaching this milestone and wish him many more years of happiness and good health.

INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE THE WEEK OF OCTOBER 25, 1993, AS "WORLD POPULATION AWARENESS WEEK"

HON. ANTHONY C. BEILENSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEILENSEN. Mr. Speaker, Mr. PORTER and I, along with 138 cosponsors, are introducing a joint resolution today to designate the week beginning October 25, 1993, as "World Population Awareness Week." The purpose of this observance, which has been introduced in the Senate by Senators PAUL SIMON and JAMES JEFFORDS, is to educate Americans about overpopulation and the increasingly adverse effects that global population growth will have on the world's future.

The Earth's population recently surpassed the 5.5 billion mark, and it is growing by almost 100 million people every year. Twenty-four hours from now, there will be 260,000 more people in the world than there are at this moment. More than 90 percent of this increase will occur in the overburdened poorest nations of the world, which cannot begin to take adequate care of their current populations and for whom there are too few jobs, inadequate schools, inadequate health care, inadequate amounts of food and, usually, very little, if any, individual freedom.

In much of the developing world, high birth rates, caused in great part by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development. In the next 15 years, developing nations will need to create jobs for 700 million new workers, which is more than currently exist in all of the industrialized nations of the world combined.

The impact of overpopulation, combined with unsustainable patterns of consumption, is also evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced. Each year, for example, the world's farmers try to feed 100 million more people on 24 bil-

lion fewer tons of topsoil. Moreover, the burgeoning of the world's population is also contributing to tropical deforestation, erosion of arable land and watersheds, extinction of plant life and animal species, and pollution of air, water and land.

Unfortunately, we hear surprisingly little about the population phenomenon. The single greatest obstacle to fully addressing this crisis is a general lack of awareness of how rapidly the world's population is growing, and that what we do this decade, as today's three billion youths in the developing world reach their childbearing years, will significantly determine the kind of world we leave to future generations. For example, even if the average fertility rate is brought down from the current 3.3 children per woman to 2.8 children in the year 2025—quite a significant reduction—world population will still grow to 12.5 billion by 2050. But that will be a vast improvement over what will happen if fertility rates do not significantly decline and the Earth's population triples in the next 50 years.

World Population Awareness Week has been approved by both the House and Senate for the past 3 years, and each year the President has issued a proclamation for its observance. Thirty-seven State Governors have also issued proclamations in recognition of the week, and hundreds of classes, seminars, and other educational events have been held at colleges and universities in each of the 50 States.

This year, in recognition of World Population Awareness Week, events are being planned in every congressional district. Nearly 120 national and local organizations—including the League of Women Voters, the United Methodist Church, and the American Association of University Women—are involved in planning over 3,000 discussion groups, films, and other educational events to raise public awareness of this critical issue. In addition, 33 countries and many international organizations as diverse as the World Muslim Congress and Botswana Family Welfare Association are also observing the week.

Mr. Speaker, we believe World Population Awareness Week provides an important opportunity for Americans to learn about the rapid growth of the world's population and its dire consequences for the environment, for food supplies, for overcrowding, and for political and social stability. We hope that as Americans learn more about the problems associated with overpopulation, they will become more interested in working toward solutions to this very serious problem.

We urge our colleagues to join us in supporting this legislation.

THE FEDERAL COURT SETTLEMENTS SUNSHINE ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SKAGGS. Mr. Speaker, today, at a time when Americans are demanding a more open and accountable Government, I am introducing legislation to move in just that direction in

a branch of government that has largely been ignored in this debate—the Federal courts.

Across the country, various agencies of the Federal Government are routinely involved in litigation concerning matters ranging from the cleanup of toxic waste dumps to the safety of consumer products. Frequently, when these cases are settled, the judge considering the case will seal—or block from public disclosure—the terms of the settlement. The reasons for such sealing can range from mere convenience and expediency, to blocking questions about someone's reputation, to protecting legitimate security information.

The Federal Court Settlements Sunshine Act of 1993 would ensure the public's right to know what's happened when Federal agencies settle cases in court. It establishes a tough standard to be met before a Federal court could withhold from the public the terms of settlement of any civil case involving the U.S. Government.

Since we're talking about cases affecting the public's business, and large sums of money or significant policy issues may be at stake, it's only right that we all have a chance to see what kind of settlement deals our Government has entered into. So, in any case involving a Federal agency or official, settlement documents would have to remain public unless the trial judge made a written determination that a compelling public interest required the settlement agreement to be kept secret.

I know that many of my colleagues are aware of the case of Silverado Savings and Loan Association in Colorado. The collapse of this S&L will probably end up costing American taxpayers over \$1 billion. But because a Federal court agreed to seal the terms of the settlement reached between Silverado and the Government those same taxpayers will not be able to learn the whole story and why they have to shell out this kind of money.

The Federal Court Settlements Sunshine Act of 1993 is similar to a bill I introduced in the 102d Congress. That bill was cosponsored by 25 of my colleagues and was the subject of a hearing before the Intellectual Property and Judicial Administration Subcommittee of the House Judiciary Committee. During that hearing, U.S. District Court Judge John Kane stated, "The very essence of justice is that it is public."

I couldn't agree with Judge Kane more. Other witnesses also expressed the same sentiment, and the public interest groups that appeared on behalf of the bill strongly urged Congress to prohibit the routine sealing of civil settlements involving Federal agencies.

Based on what I learned from those hearings, I've updated the bill in two ways to make sure that the American people have the openness in their courts that they deserve. First, the bill now requires that a court's decision to seal a settlement be in writing—and itself not be sealed. Second, I added a provision to ensure that once a complaint is filed no dismissal can take place without the court evaluating any settlement agreement that the parties enter into. Closing these two loopholes strengthens the bill and furthers may desire to open up public records to the public.

I'm happy to say that 23 of my colleagues are joining me as original cosponsors of the bill today.

Settlements involving Federal agencies are the public's business, and they should be open to public scrutiny. It's as simple as that.

Mr. Speaker, we're living at a time when many Americans feel alienated from their Government and are demanding a greater accountability. This bill presents one approach that may help restore their trust in certain Government actions.

I hope my colleagues will join me in promoting the public interest by supporting the full disclosure of the public's business in court.

TRIBUTE BY WILLIAM J.
CAVANAUGH

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MARKEY. Mr. Speaker, I would like to share with my colleagues an article which was recently published in one of the newspapers in my district, Middlesex News. This very insightful article was written by Mr. William J. Cavanaugh, a resident of Natick, MA and a retired U.S. Army Reserve officer who served on active duty during the Korean War. Mr. Cavanaugh reminds us of the importance of remembering and honoring those who have served this country in our Armed Forces.

[From the Middlesex News, July 8, 1993]

FAMILY REMEMBERS KOREAN WAR HERO

(By William J. Cavanaugh)

At its annual family picnic at Natick Labs on June 19, the extended Cavanaugh Clan of Natick and surrounding communities decided to donate the proceeds of its "annual picnic charity" event to the Massachusetts Korean War Veterans Memorial.

The event raised \$150.00 which is to be donated to the new memorial Massachusetts veterans of the Korean conflict in memory of Joseph Keenan, a cousin of the Cavanaughs and a U.S. Navy medic who was killed on March 26, 1953, while taking care of wounded Marines during a bloody assault on Reno Hill in Korea. Hospital Corpsman Keenan's bravery under hostile enemy action is memorialized in a 1989 oral history, "The Korean War—Uncertain Victory," by Donald Knox and Alfred Coppel.

The new Massachusetts memorial to veterans of "The Forgotten War" will be dedicated on July 27 at the memorial site near the permanent berth of the USS Constitution in Charlestown, on the occasion of the 40th anniversary of the signing of the armistice that ended the costly 3-year Korean War. Americans, a great many from Massachusetts, paid an enormous price during the first United Nations-sanctioned engagement only 5 years after the close of World War II—54,246 dead and 103,284 wounded, in addition to more than 7,000 still listed as missing in action or otherwise unaccounted for.

A great many Americans, including the Cavanaugh and Keenan families, can never forget the terrible price of that war. Three of my brothers, James Cavanaugh of Hingham (U.S. Navy), the late Francis X. Cavanaugh Jr. of West Roxbury (Air Force), and the late Joseph Cavanaugh of Foxborough (Navy), all served during the Korean war, as did I, but none of us, in answer to someone's prayers, saw duty in Korea.

However, our 19-year-old cousin Joey Keenan enlisted in the Navy in the waning

months of the by-then stalemated war in late 1952. After medical training in Newport, R.I., brand-new Navy medic Keenan was shipped to Korea. He arrived there in February 1953 and was immediately assigned to a Marine platoon involved in the fateful "Nevada Hills" operations. He was killed in action on March 26, 1953, just four months before the Panmunjon Armistice.

For more than 10 years, Joey Keenan's younger brother Michael Keenan, of Hanover, has been researching the events and circumstances of the Nevada Hills battles. At the Cavanaugh clan picnic each year, he reports on some new discovery of his brother's heroism during those closing months of the war. Combat veterans who served with his brother have written him from as far away as Alaska and Saudi Arabia. A retired U.S. Army Reserve colonel, I have been encouraging Michael in his research, as have all of the rest of the clan members. They hope someday to obtain for cousin Joey Keenan the long overdue official recognition for his heroism and ultimate sacrifice.

Medic Keenan was, according to testimony of his battalion surgeon in Korea, Dr. William E. Beven, actually written up for the Congressional Medal of Honor. The gist of Beven's recommendation from his combat diary of March 26, 1953, states, "One of my corpsman (F-2-5) under heavy enemy fire, despite being severely wounded, refused to be evacuated but remained at his station caring for and evacuating casualties until killed."

Unfortunately, in some postbattle administration snafu, the paperwork was lost and the Keenan family received only Joey's Purple Heart Medal for being wounded in combat and his campaign medals for combat service in Korea.

Whether or not Michael Keenan ultimately succeeds in getting full recognition from the Navy for his brother's sacrifice, one thing is certain: subsequent generations of Cavanaughs from Natick, Hingham, Foxborough, Braintree, Eatham and West Roxbury; Keenans from Hanover, Hingham, Billerica and Nashua, N.H.; Campbells from Framingham, West Roxbury, and Allston; Alves from Ashland; Hoovers from Hopkinton and many others from throughout MetroWest and Greater Boston towns and beyond will never forget their Korean war hero cousin Joey, especially on this upcoming 40th anniversary of the end of that "Forgotten War" and the dedication of its long-awaited permanent memorial on July 27 in Charlestown.

PAYING TRIBUTE TO JULIAN S.
JURUS, OUTSTANDING POLISH
AMERICAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Julian S. Jurus, a man who has served the Polish community for 54 years both overseas and in the United States.

Julian Jurus was an active member of the Polish Armed Forces overseas from 1939–1948. He served in Romania, France, and Great Britain. In May 1948 he was discharged and emigrated to the United States.

Mr. Jurus is a lifetime member of the Polish National Home, which he served as president for 11 years, and where he is now a member

of the board of directors and the board of trustees. He also serves as the current treasurer of the Polish American War Veterans Association, and was its commander for four years.

Julian Jurus was the co-organizer of the American Polish Council of Long Island in 1963 and its chairman for four years. In 1966, Mr. Jurus became the cochairman of Poland's Millennium Committee in Nassau and Suffolk Counties. He was the co-organizer of the Nassau County General Pulaski parade committee in 1965 and the first president of that committee. He has been a member of the General Kazimir Pulaski memorial committee in New York since 1965. Mr. Jurus was the co-founder of the Polish American Museum in Port Washington, NY, in 1977, and was president of the museum for 9 years.

Mr. Jurus also serves on the Polish American Congress, the Kosciuszko Foundation, the Polish Numismatic Association in Chicago, the Nassau County Holocaust Commission, the Sovereign Military Order of Saint John of Jerusalem, the Knights of Malta with the rank of Knight Commander of Grace. In addition, Mr. Jurus serves on the pastoral advisory council at Saint Hyacinth Roman Catholic Church in Glen Head, NY.

In 1992, Julian Jurus was honored as a citizen of the year by Polish American World. This year, he was awarded Marshall Honors, and will lead the Nassau County contingent at the General Pulaski parade in October.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me now in paying tribute to Mr. Julian S. Jurus for his many years of service to the Polish-American community of Long Island, and to commend him for his many efforts and accomplishments.

THE ECONOMIC BENEFIT TO THE
UNITED STATES FROM THE AC-
TIVITIES OF INTERNATIONAL
BANKS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LaFALCE. Mr. Speaker, over the last several years, foreign banks have become an increasingly visible presence in the U.S. market. What is sometimes less apparent, however, is the substantial and positive economic effect these institutions and their lending and investment activities have on the U.S. economy.

Today I would like to call the attention of my colleagues to an important new study, "Banking in a Global Environment: Economic Benefits to the United States from the Activities of International Banks," released by the Institute of International Bankers. The study concludes that international banks provide an important source of credit and liquidity to the U.S. financial market; bring direct economic benefits to the U.S. economy in terms of job creation, office space utilization and other expenditures; and operate in the United States under the same regulatory restrictions as U.S. banks.

As the study points out, foreign banks directly and indirectly employed over 300,000

people and spent almost \$20 billion dollars a year in the United States last year. Moreover, during the serious credit crunch we have experienced, foreign financial institutions have been a key source of business lending. Commercial and industrial loans by foreign banks amounted to 35 percent of all business loans to U.S. borrowers. In addition, foreign banks contribute to the general health of our economy—they pay substantial taxes and are major contributors to local real estate markets.

The report contains other specific findings of note:

The U.S. operations of international banks held at least \$237 billion in loans and unfunded commitments acquired in syndications led by and participations purchased from U.S. banks, thereby freeing up the U.S. banks' capital to make additional loans; in the aggregate, the U.S. operations of international banks lent over \$100 billion more to U.S. borrowers than they received in deposits.

The U.S. operations of international banks last year employed approximately 115,000 persons and spent in the aggregate in excess of \$14.0 billion on employee, and other operating and capital expenditures; based on the U.S. Department of Commerce multipliers, international bank activities resulted in an additional 190,000 jobs being created with earnings of \$5.4 billion.

The U.S. operations of international banks are subject to the same comprehensive system of regulation and supervision by Federal bank regulatory agencies as U.S. banks, including adhering to equivalent standards for global capital.

In the wake of the International banking scandals of recent years, the United States has insisted on enhanced supervision and regulation of foreign banks under the 1991 FDICIA legislation. This is appropriate—and sufficient. While we must properly regulate for purposes of safety and soundness, it is equally critical that we maintain a balanced regulatory system that recognizes the key role foreign banks play in fostering U.S. economic growth, enhancing the availability of credit and creating jobs. The regulation of foreign banks must remain founded on the principle of national treatment which has served the U.S. economy so well.

I commend this report to my colleagues.

TRIBUTE TO FORREST E. ACKER

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Forrest E. Acker, a distinguished gentleman from Schuylkill County, who has served as Secretary of Pulaski Lodge No. 216, F&AM for over 40 years. Mr. Acker deserves recognition within his own organization, as well as within his community, for his many years of dedicated service.

We may all learn from the example of Mr. Acker, whose devotion to his organization and its ideals has resulted in an unblemished record of service. Schuylkill County is fortunate

to count him as a citizen. His past honors include the York Cross of Honor, an award only given to those who have served as head of every branch of the Masonic Order. In addition, his reputation within the community has brought honor to the Masonic organization in general, and has also earned my respect.

I would ask that my colleagues in the House of Representatives join me in recognizing Forrest E. Acker for his unselfish commitment to the Masons, and in wishing him continued happiness and success. His presence as Secretary will be missed, but his legacy of service will live on for many years to come.

TRIBUTE TO REVEREND CECIL WILLIAMS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DELLUMS. Mr. Speaker, today I rise to share with you and my colleagues that the Glide family will honor Reverend Cecil Williams' 30 years of activist ministry at Glide Memorial United Methodist Church at tonight's celebration of gospel song and tributary words hosted by Dr. Maya Angelou and Ms. Susie Tompkins. Edwin Hawkins and the Hawkins Singers, Janice Mirikitani, Bobby McFerrin and the Glide ensemble, all local Bay Area performers, will add to the festivities.

The Reverend Cecil Williams has managed in these brief three decades to provide a shining beacon as to how the ministry can nurture the body and the soul, to provide shelter and sanctuary. His inspirational teachings and determined public advocacy have made the San Francisco community a better place, less hostile to its poor and dispossessed, more inclusive of all its cultures, communities, and people. Today, under his ministry, Glide Memorial United Methodist Church is, today, the most comprehensive nonprofit provider of human services in San Francisco operating human service programs that not only help meet the needs of the disenfranchised, but also to empower all people to become self-sufficient.

Our paths have often intertwined; our shared vision has made us allies; and our common agenda has bound us in coalition. I am pleased to join with a broad community in honor of his personal dedication and devotion to service and the many, many successes that he has achieved during his ministry at Glide.

TRIBUTE TO JANE BOECKMANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to Jane Boeckmann, who is second to none in her commitment to the cultural

and civic affairs of the San Francisco Valley. Jane's list of accomplishments is startling: Through the years she has been involved with more than 25 separate committees, boards of directors, foundations, and societies. She has been everything from a member of the board of directors of the San Fernando Valley Arts Council to a member of the advisory board of the Olive View Medical Center Foundation.

In addition to her volunteer and charitable activities, Jane is the publisher and editor in chief of Valley magazine. In the 14 years since she developed the magazine, it has become the premier source of life in the San Fernando Valley. Jane recognized correctly that the valley needed its own publication, that there is an infinite number of fascinating stories about the people and institutions in the area. Indeed, Jane is one of the people responsible for creating a distinct identity for the valley.

It's hard to imagine, but Jane has also raised five children and is the devoted wife of Bert Boeckmann, who is quite a philanthropist himself. The Boeckmanns are one of the best-known couples in the entire city of Los Angeles due to their generosity and selflessness. Many, many organizations have been blessed by their help, financial or otherwise.

We ask our colleagues to join us in saluting Jane Boeckmann, who on October 15 will receive the Free Enterprise Award from the San Fernando Valley Business and Professional Association. It is another in a long list of deserving honors.

CONGRATULATIONS TO VICTORIA VAN METER—WORLD RECORD AVIATOR

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. RIDGE. Mr. Speaker, it gives me great pleasure to offer my congratulations to Victoria Van Meter on the occasion of her historic flight across the country.

Vicki has entered the aviation record books and has set three new world records. She is now the youngest female pilot to fly across the country, the youngest pilot to fly a distance of 2,900 miles and the youngest pilot ever to complete an east-to-west cross-country flight.

Vicki, age 11, the daughter of James and Corinne Van Meter, has been a flight student for just under a year and is a sixth grade student at the East End Elementary School in Meadville, PA. Vicki operated a single-engine Cessna 172 on this journey, and her flight instructor, Bob Baumgartner, accompanied her. She began the trip on Saturday, September 18, at 9 o'clock in the morning when she departed for Maine. She was greeted in Harrisburg, PA, on Monday, September 20, where it was officially declared "Vicki Van Meter day." The 2,900-mile trip ended in San Diego, CA, on September 23. The wind and turbulence made Vicki's task very difficult, but she showed great talent and courage by completing her trip. Vicki has received many accolades for her flight, and radio and television stations all around the country have interviewed her. She made stops in Columbus, St.

Louis, Oklahoma City, Albuquerque, Phoenix, and San Diego during her cross-country flight and carried with her a proclamation and gifts that she presented to city officials at each stop. These gifts were given on behalf of the residents of Meadville who named Vicki their goodwill ambassador.

Mr. Speaker, Vicki is a brave, intelligent, motivated young woman and has already accomplished some amazing things for a person of her age.

Mr. Speaker, it gives me great pleasure to extend to Victoria Van Meter my congratulations and best wishes for success in all of her future endeavors.

JAMES MALLON: A BEACON IN BROOKLYN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place on October 7, 1993, in my district. This event will be the 20th anniversary of Northside Senior Citizens', Inc., an organization which has done so much to serve the elderly of the Williamsburg/Greenpoint/Northside neighborhoods of Brooklyn.

Over the past two decades, the Northside Senior Citizens' Center has provided support to thousands of seniors in our community. These innovative and effective programs include a highly successful seniors employment program and a homebound services program. The Northside Senior Citizens' Center's work has touched many lives.

It is entirely appropriate that the center is taking the opportunity on October 7 to honor its founder and executive director, James F. Mallon. Mr. Mallon has served the Northside Senior Citizens' Center with unstinting dedication since its creation back in 1973. His leadership and vision have made our community a better place.

Therefore, as this auspicious date approaches, I ask my colleagues to join with me in saluting Mr. Mallon's 20 years of tremendous service to the Northside Senior Citizens' Center as well as to the northern neighborhoods of the great borough of Brooklyn.

SUPPORT ECONOMIC AID TO NICARAGUA

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. PENNY. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD a letter to Members of Congress from the ecumenical committee of U.S. Church Personnel in Nicaragua.

This ecumenical group consists of 16 Protestant and Catholic Church groups in Nicaragua working to improve the lives of the Nicaraguan poor. The group strongly urges

the United States to continue economic and development assistance to Nicaragua.

The letter follows:

MANAGUA, NICARAGUA,

September 16, 1993.

MEMBERS OF THE UNITED STATES CONGRESS,
Washington, DC.

DEAR SENATORS AND REPRESENTATIVES: We write to urge your continued support of economic aid to Nicaragua. The country is experiencing a deep economic recession characterized by massive unemployment, widespread poverty, and serious cutbacks in public health care and education, which give rise to increased crime, violence, disintegration of family relationships, and general unrest. Withholding or reducing aid funds at this time would plunge the country into further economic crisis and augment the political and social tensions already at the breaking point.

The Nicaraguan people with whom we associate and work on a daily basis are among the 70 percent of the population who live in poverty. They are tired of past wars and the present violence; they want a chance for gainful employment to provide the basic necessities of food, shelter, education, and health care for their families. It is the children who suffer the most, since one-half of the population is under 16 years of age.

We applaud the positive steps taken by the Chamorro government to promote peace and democracy (e.g., reduction of the army from 90,000 to 15,000 and encouraging national dialogue among the various political factions). We feel that Mrs. Chamorro should be encouraged in her efforts to guarantee pluralistic political debate and participation in government, which lie at the heart of the democratic process. Withholding aid to force internal changes favored by one side or the other only serves to undermine this process, thus solidifying the extreme polarization, encouraging new outbreaks of violence, and reinforcing the plight of the poor—the ones who bear the brunt of the nation's political stalemate and economic stagnation.

We concur wholeheartedly with Oscar Arias, ex-president of Costa Rica and Nobel Peace recipient, who recently issued "an urgent call to the international community to redouble its assistance programs to Nicaragua." Arias said that Nicaragua needs help for special programs "to give work to tens of thousands of former military personnel who find themselves today prisoners of desperation and hunger. * * * More aid, not less, is what Nicaraguans need in this crucial hour."

Respectfully yours,

J. GARY CAMPBELL
and JANYCE PIXLEY

*Coordinators, Ecumenical Committee of
U.S. Church Personnel in Nicaragua.¹*

¹The Ecumenical Committee of U.S. Church Personnel in Nicaragua is composed of 70 persons—both lay workers and professionals—from 28 states, the District of Columbia, and Puerto Rico, who are members of the following Protestant denominations and Roman Catholic religious orders:

American Baptist Churches USA.
Christian Brothers.
Christian Reformed Church.
Episcopal Church.
Evangelical Lutheran Church of America.
Franciscan Sisters of Little Falls, MN.
Jesuits.
Maryknoll Missioners.
Mennonite Church.
Presbyterian Church (USA).
Religious of the Sacred Heart.
Sisters of Notre Dame de Namur.
Sisters of St. Agnes.
Sisters of St. Joseph.
United Church of Christ.
United Methodist Church.

THE FEDERAL DEFICIT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ARMEY. Mr. Speaker, I have received from a thoughtful citizen a modest proposal for eliminating the Federal budget deficit, which I should like to share with my colleagues.

A SIMPLE AND CONVENIENT PLAN TO ELIMINATE THE FEDERAL DEFICIT

(By Ronald T. Amberley)

Like most patriotic Americans, I am concerned with the welfare of our nation, and I have spent no little time thinking about ways to deal with the problem of our budget deficit and national debt, as well as other social difficulties. I make no claim to be a notable thinker, nor would I suggest that my ideas are anything out of the ordinary. Quite the opposite, in fact, is probably the case. But an idea has occurred to me which is so simple, yet would be so effective in cutting costs and painlessly raising revenue for the government, that I am baffled no one has publicly suggested it before. Some of the great minds of our day may have considered this plan previously, but I have never heard it mentioned. If they did think of it, they may have decided not to suggest it because it is so simple. (Some people feel it is beneath them for their fame to rest on anything but the most complex proposals.) Having no reputation to protect, I do not suffer from such a constraint, and I happily offer this simple idea which will promote our country's economic stability and provide many other benefits as well. I merely ask that my countrymen consider all I have to say before deciding on the merits of my plan. If, after due consideration, they deem me worthy of their approbation and thanks, I shall of all men be most humbly gratified.

As background let me reiterate a few facts about bees that most of us learned in elementary school. There are three classes of honey bees: queens, workers, and drones. The queen determines which eggs become workers and which will be drones when she decides which to fertilize. When drones are no longer of value to the colony, they are driven off to die and are replaced as needed by new generations of drones. As a great modern society which is increasingly free of the misguided moral queasiness and ethical restraint of our over-religious forebears, could we not embrace a more enlightened social order patterned in part on that of the bee?

In recent years we have justly become very sensitive about wasting our resources. We are wisely learning to recycle aluminum, paper, glass and plastic so that we do not consume raw materials or pollute the environment unnecessarily. Yet, for the most part, we continue to waste a very valuable resource without the slightest consideration for its economic value. I am referring, of course, to the annual financial loss which stems from the premature abortion of hundreds of thousands of potentially useful human offspring. How much more efficiently could we function if women had the option of bringing forth their offspring as drones, to their own financial gain and to the benefit of society at large?

THE BASIC CONCEPT

In brief, my plan would allow a pregnant woman to choose from three options by the end of her pregnancy.

1. She may elect to give birth, at which time the fetus becomes a human being with

full civil rights. She may then keep the child to raise or put it up for adoption. This option is presently available.

2. She may terminate her pregnancy any time prior to delivery by aborting the fetus. This option is also presently available.

3. At any time prior to physical delivery—the point at which the fetus would ordinarily become a person—she may elect a deferred abortion. In such a case she would give birth to a DAF (deferred-abortion fetus) or, colloquially, a drone. Such a being (the term "person" would be inappropriate and unacceptable in referring to DAFs) would not hold citizenship nor have any protection under law as a person since it would be merely a "post-delivery fetus."

ADVANTAGES AND APPLICATIONS

The advantages of the third option—a real choice for women—are enormous. For example, instead of either aborting a potentially valuable fetus or assuming the financial obligations and emotional burdens of rearing a child, a pregnant woman could select dronehood and have a product convertible to immediate cash. Within a single generation the number of Americans living in poverty and on welfare would drop drastically, with an associated reduction in the number of people driven to acts of crime by their circumstances. While this single benefit might justify my proposal, let me proceed to explain some of its other advantages.

Under open-market conditions, a mother could dispose of her DAF in whatever way would benefit her the most. A network of middle-men and brokers would arise to match the supply of drones with those needing them, and the government could impose a drone tax to raise revenue.

However, by giving the government a monopoly in the raw drone trade, it would reap all the profits of a high-volume brokerage business, and it could still levy a tax on drones used in business. (Obviously, a provision would be added to the tax code to allow industry to depreciate drones over their useful life, as may already be done with many other assets.) Moreover, the government could rely on its existing management expertise to run the program efficiently and equitably. Initial estimates indicate that within twenty to twenty-five years drone-related revenues and cost savings could balance the federal budget and perhaps enable us to begin repaying the national debt. I know of no other plan with equal potential for improving the financial condition of the nation.

The government would establish prices and quality guidelines, guaranteeing itself a tidy return on each transaction. Drones would be sold to the government within twelve weeks of birth. Women who breast-fed their drones would receive a premium price to compensate them for providing a better product than women who did not. To protect the public interest the government would medically screen all drones before paying for them; those falling short of appropriate guidelines would be recycled immediately.

Until a drone reached a point of economic utility, the task of feeding, clothing, sheltering and training it would fall to the government. Drones would become saleable at various ages, depending on their individual attributes, potential use and market conditions. Trainers using behavior modification and other techniques of psychologists like B. F. Skinner would impart to drones a preference for the activities and environments for which they would be marketed. They would be conditioned to be honest, to work hard, and to view themselves as expendable masses of cells.

Local placement centers would be established so that people could view, select, and special-order drones for future delivery. No restrictions would be placed on who could buy or own drones nor on how they could be used, except that they could not be employed in criminal activities. Businesses could use them domestically or overseas; individuals could buy them for use in the home; and they would make an excellent product for export, thus helping eliminate the foreign trade deficit.

The range of potential use for drones is enormous. They would replace people in dangerous employment situations. Among other applications would be the obvious ones of cleaning up toxic waste, asbestos and hazardous chemicals, working in radioactive environments and in mining operations. A drone's owner would not have to concern himself about drone safety beyond his interest in maintaining the value of his property. If the cost of protecting the drone was great, the owner could forego the expense in favor of the less costly option of replacement.

Thanks to their expendability drones would fit perfectly in the military and law enforcement fields for missions deemed too dangerous for people. In international peace-keeping roles, as minesweepers, in the vanguard of an infantry attack or amphibious landing, as well as in operations against Colombian drug lords, in battles with inner city street gangs, and as security guards in public schools they would be far preferable to citizen soldiers. Their cost effectiveness would enable us to police our borders against the influx of illegal aliens. The economic advantages of sending drone military units to third world countries ravaged by famine and conflict would be fantastic. After bringing an end to factional fighting in an area, they could readily be converted to nourishing fare for starving local civilians, saving American taxpayers both the expense of flying them home and the cost of shipping alternative food supplies overseas.

Researchers would test medical products and procedures on drones, eliminating the need for objectionable research using monkeys, mice, dogs, and kitties. With the advent of drones, shortages of blood supplies, vital organs and hair for transplants would vanish. Drug companies would naturally compete with each other to maintain a full line of quality replacement parts for people.

Wide use of drones in labor-intensive industries would enable us to compete with third-world countries for manufacturing facilities. As businesses relocated here to take advantage of our cheap labor, our balance of trade would improve.

The federal government itself could employ drones quite effectively as rank-and-file bureaucrats. This move alone would save hundreds of millions in tax dollars annually through reduced payroll, not to mention lower benefit and pension costs. A natural market for drones would also exist among state and municipal governments. To make sure there would be no decline in the current high quality of government service, drones targeted for government use would be specially trained to exhibit the same enthusiasm, courtesy and conscientiousness their human counterparts do now.

The government could also improve its cash flows by instituting PID (payment-in-drones) programs similar to its PIK (payment-in-kind) programs of the past. Many who receive government benefits like welfare or Social Security might be delighted to receive an occasional drone in lieu of cash. Such drones could be rented out as day

labor, with the revenue going to the owner, and they could function as primary home-based caregivers for benefit recipients who were disabled, sick or elderly.

Another highly desirable application would have raised eyebrows a few years ago. Fortunately our culture has moved beyond its former prudery and puritanism to accept virtually any form of sexual activity and to endorse the universal human right to complete satisfaction of one's sexual drives, no matter how unorthodox. Sadly, however, many less fortunate members of our society encounter difficulty locating an adequate number of acceptable partners to fulfill their sexual desires. These deprived individuals are compelled to seek satisfaction in socially unpopular ways, and as a result, increasing numbers of people (including small children) are becoming involved in sexual acts against their will with people not of their choosing.

The availability of drones should reduce the incidence of child molestation and rape. With drones of every age, appearance, and of both sexes on sale at reasonable prices, anyone could select the model he or she found appealing, purchase it for immediate and subsequent use, and dispose of it when it was no longer deemed desirable. Such an arrangement would reduce several categories of violent crime and cut the spread of AIDS and other social diseases.

Numerous recycling options would exist for drones which had outlived their usefulness. Some would enter the human food supply (in fact, some new drones would be bred and raised specifically for this purpose); those unacceptable for consumption by humans or drones might find their way into premium pet food offerings or food stocks at zoos; and fertilizer companies could process used drones for lawn and garden applications. The organs and body parts of others would provide students a wonderful source of laboratory specimens for dissection, thus enhancing their knowledge of anatomy. And drone skins would be an economical source of leather for belts, shoes, gloves, and steering wheel covers.

TECHNICAL AND LEGAL ISSUES

Having identified many advantages of my plan, I would now like to address some technical and legal issues associated with its implementation. First of all, Congress would have to decide whether or not a drone's father would be entitled to compensation when its mother sold it to the government. This is a difficult issue. On the one hand it seems only fair that the father receive some remuneration since no drone would have existed without his participation. Yet the mother holds a unilateral legal right to decide the fate of her fetus. Perhaps the best solution would be for a man to obtain a pre-fertilization agreement which spelled out his rights from any woman who might bear a drone in which he had a financial stake. Alternately, he could collect a payment from the woman at the time he provided her with fertilization services. Either approach would protect his interests.

Second, we would need a law to prevent parents or other well-intentioned but old fashioned persons from interfering with a young woman's right to become a drone-producing entrepreneur as soon as her reproductive capacities became operational. On the contrary, such commercial initiative should be encouraged and rewarded. Grade schools would offer drone production classes starting in the third grade, and high schools could compete in drone production much as they do in sports and academics today.

Third, a method of easily identifying drones and distinguishing them from people

must be established. The simplest approach would be to tattoo an identification number or bar code on several body parts when the newborn drone became government property. An alternative would be to implant a scanner-readable microchip in an accessible part of the body.

The government would also surgically install a deferred-abortion device in each drone. Options could include a small explosive in the skull or at another critical location in the body, valves to stop the flow of blood to the brain, or a mechanism to release a lethal chemical into the bloodstream. Any of these could be activated by radio signal from a specially coded transmitter given to the drone's owner at the time of purchase. Such devices would provide for foolproof post-delivery abortion as a control mechanism for renegade or runaway drones.

The issue of drone reproduction is also a matter of grave concern. Random reproduction among drones should be closely controlled lest the supply exceed demand, eroding government revenue. Crossbreeding drones with humans must also be restricted because of the confusion it would create regarding the legal status of their offspring. To enforce these restrictions, the government would sterilize most drones prior to selling them. Exceptions would exist for those used in medical research where the reproductive capacity would need to remain intact and for those used in the government's special drone breeding program.

A breeding program would allow for the development of drones with specially desirable attributes, e.g., physical strength, stamina, beauty, or intelligence. Such models would command premium prices. For example, physically powerful and agile drones would be more cost effective than overpaid humans as athletes, making sports events more affordable to the general public. And the drone's expendability within economic limits could give rise to new sports and forms of entertainment. A reproductive resource branch would provide a sperm bank and artificial insemination services to women wishing to have a child, and female drones would be available to serve as surrogate mothers for women wishing to avoid the inconveniences of pregnancy and childbirth.

OBJECTIONS AND RESPONSES

Amazing as it may seem when one considers all the advantages of my proposal, some will object to it on one of several grounds. Let me, therefore, address the obvious objections and explain the fallacy in each of them, so that we may move ahead rapidly with implementation of this plan.

The first objection is that the drone program requires the government to spend too much before the first models could be delivered. While this objection seems at first to have some merit, it really would not take long to start delivering young drones. After all, there will be a demand for youthful models among pedophiles, while witches, Satanists and some other groups can use infant drones in their ancient religious practices. In addition, as is always the case with something new, some people will want to be the first on their block to own one, and many may wish to try training one themselves for household use from the initial supply. Furthermore, plenty of businesses rely on cheap, unskilled labor to turn a profit, for whom drones five or six years of age would be a boon.

The second objection is that the availability of drones would result in unemployment among humans. Undeniably, people would no longer need to do certain jobs, but generally

these would be undesirable vocations in the first place. On the other hand, a large number of new positions would be created by the availability of drones. The government would hire people to buy and sell, care for, train and supervise them, and several new industries would be created, such as reproductive drone management. Moreover, women of childbearing years could supplement their incomes by drone production, and people likely to be replaced at work by drones could transition into another field during the few years before the first working models hit the market.

Furthermore, if the government saw that drones were materially affecting citizen employment, any of several remedies could be applied. Drones in particular industries might be subject to compulsory recycling every few years to keep those industries from becoming entirely dependent on them, or there could be a percentage cap on the number of available positions filled by drones.

It is also highly probable that the human population would decline as drones increased in number. This hypothesis is based on the expectation that many women bearing children would prefer the financial gain of electing drone status for their offspring to the stress and difficulties of child-rearing. This would certainly be true in the case of unwanted pregnancies, and would result in less child abuse and neglect, as well as some other forms of domestic violence and disharmony. Moreover, citizens would increasingly forego marriage or other similar relationships, preferring to have replaceable drones tend to their cooking, housekeeping, errands, and sexual desires without the tension, guilt and other annoyances commonly associated with long-term interpersonal commitments. As the human population decreased there would be fewer people seeking employment. It is very unlikely, therefore, that the availability of drones can be viewed as seriously detrimental to the employment prospects of more than a handful of people.

Finally, some will oppose this plan on the basis of a misinterpretation of our laws or an outdated view of ethics and morality. At the heart of every such objection lies a single issue: Are drones people? If they are, then this plan would be unacceptable; if they are not, then nothing is morally, ethically or legally wrong with my plan.

As a starting point, consider that pillar of our democracy, the Declaration of Independence. In this fundamental document of our nation we find these words, penned by that stalwart champion of justice, Thomas Jefferson: " * * * all men are created equal, that they are endowed by their Creator with certain inalienable rights. * * * "

What do these words mean? When Jefferson used the word "men," he did not use it in the literal sense of "adult male human beings"; his use of the word was necessarily figurative since only white land-owners enjoyed full rights in his day. Today we interpret this term more broadly, without regard to race, sex or land ownership.

In the next clause Jefferson elucidates: "men" are those who have been "endowed by their Creator with certain inalienable rights." When Jefferson uses the term "Creator," does he mean a divine supreme being? I hardly think so. Instead it figuratively describes a pregnant woman who elects to give birth to her child, imparting to him/her the inalienable rights of personhood, thereby creating a human being. With the availability of abortion on demand, a woman may elect not to grant those inalienable rights to

her fetus by aborting it. This same passage implies that the Creator may opt to give birth to offspring to whom she does not impart such rights.

It was the intent of the signers of the Declaration of Independence, as well as the framers of the Constitution, as evidenced by the penumbral emanations of these documents, that a woman would have the right to determine whether or not her fetus became a human being. She may currently exercise this right by choosing a predelivery abortion. My plan merely recognizes her Constitutional right to decline to bestow human status on a fetus to which she gives birth by the irreversible choice of a post-delivery abortion whose timing has yet to be determined.

We already recognize that a fetus is not a person and has no legal rights nor protection prior to birth. Otherwise how could we allow a woman to abort her fetus during pregnancy for any reason (or for no reason) and without limitation? But when and how does a fetus become a human being? Is not the fetus automatically endowed with inalienable rights at birth, without any deliberate action on the part of its mother?

The answer to this question is an unequivocal no; for not a few cases are on record in which the fetus of a woman who elected an abortion has survived the abortion process to be born alive. In such cases the attending medical personnel made no attempt to assist the aborted fetus as they undoubtedly would have if it had obtained constitutional rights automatically upon its emergence from the birth canal. Therefore, it is obvious that the fetus did not obtain any rights at birth, and it is equally obvious that the failure of this fetus to be endowed with such rights occurred strictly because the mother had previously exercised her unilateral right not to confer them on it.

It follows, then, that if a woman chooses to abort her fetus, it will not be endowed with the inalienable rights bestowed on human beings, even if it accidentally survives the abortive process. Why, then, can a mother not deliberately choose, prior to delivery, to have her fetus aborted at an indeterminate date after delivery, allow the fetus to be born, and provide a product useful to society?

Nothing in our laws prevents us from implementing my proposal. All we need to do is clarify a few definitions. After all, whoever defines the words controls the meaning of the laws. To create a legal distinction today between humans with civil rights and deferred-abortion fetuses without them is a step of no greater significance than it was in 1973 to say that human existence begins at birth, that a fetus is not human, and that it has no rights under the law. The past forty years have been marked with countless legal "redefinitions." Consider, for instance, the gradual change in the legal meaning of the terms "marriage," "family," "mother," and "father." This would be but another incremental change in an ongoing social progression.

Those who claim it is unethical or improper to use human offspring in such a way are living in the past. After all, scientists are already doing fetal tissue research, looking for ways medical, cosmetic, and fragrance companies can turn a profit from aborted fetuses. My question is: Why not keep some alive as drones and help a great number of people? And who could claim that drones would be worse off for not having been aborted prior to birth?

CONCLUSION

Consider the substantial advantages to be obtained. The Constitution empowers the

government to "insure domestic tranquility, provide for the common defense, promote the general welfare" of the nation. I have clearly and conclusively shown how my plan would contribute to each of these objectives. Crime and violence would decline; the nation would be economically and militarily more secure; a higher standard of living would prevail; life would be more convenient and comfortable for our citizens.

One final point is that with the institution of this plan we must make it illegal for citizens to oppose the drone program in any way. We must be prepared to prosecute to the fullest extent of the law those who try to protect drones or to claim that they are people, even to the point of imprisonment and removing their children to the care of law-abiding citizens. Only by such strong measures can we make it clear that they and their regressive views will not be tolerated.

It is my great hope that the broad dissemination of this proposal will result in its rapid implementation. There is little question that its effects would be salutary for our government and our people, and no doubt for our reputation internationally as well.

Since 1973 we have lost more than 33,000,000 potential drones through abortion. Over its lifetime the average drone would probably be worth more than \$50,000 in direct and indirect benefits to the economy. (While this amount falls far short of the economic value of an average human being, it is nothing to sneeze at.) Based on an assumed economic value of \$50,000 per drone, the financial cost to our economy from aborted potential drones from 1973-93 is \$1.65 trillion dollars—a cost which will continue to grow every day until this drone proposal is implemented.

We simply cannot afford to continue to throw away drones like so much glass, paper and plastic. We must not waste this precious and valuable natural resource that would mean so much in terms of lower taxes, greater convenience, and a higher standard of living for all American citizens. Now is the time to mobilize in support of this proposal. A new day is dawning as we prepare for the arrival of the twenty-first century. We can seize the opportunity before us, or—letting it slip from our grasp—we can idly watch as our great nation slides further into decline.

MINIMUM WAGE RAISE—NOT NOW

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend the following editorial from the September 23, 1993, South Sioux City Star, concerning proposals to raise the minimum wage. It points out the fallacy of forcing additional costs on small business and the harm those additional costs will do to our Nation's low-income workers. This Member urges his colleagues to heed its message.

[From the South Sioux City Star, Sept. 23, 1993]

THIS NOT THE TIME TO BOOST MINIMUM WAGE

Small-business owners are growing increasingly gloomy about the future, a number of surveys show. Their pessimism doesn't bode well for job growth in the months ahead, but Labor Secretary Robert Reich is doing nothing to cheer them up.

Reich says a hike in the hourly minimum wage, now at \$4.25, is needed as well as index-

ing to provide automatic cost-of-living increases in much the same manner Social Security benefits rise.

During the campaign, Clinton promised organized labor he would increase and index the minimum wage, but White House aides have said since that they would delay seeking these changes from Congress until the economy was better able to absorb them.

With job growth expected to remain weak for some time, and with businesses facing higher taxes and a likely health-benefits mandate, this isn't the time to pile new costs on employers and guarantee these costs future escalation.

Reich may be motivated by a desire to give unions something for their election support but the price would be steep; higher unemployment, especially for unskilled workers.

THE HENRY M. JACKSON AWARD FOR DISTINGUISHED PUBLIC SERVICE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DICKS. Mr. Speaker, this evening in a special ceremony, Speaker of the House THOMAS S. FOLEY will be presented with the Henry M. Jackson Award for Distinguished Public Service in recognition of his extraordinary service to this country. This ceremony will also mark the 10th anniversary of the Henry M. Jackson Foundation. Helen Hardin Jackson, the chairman of the board of the foundation and wife of the late Senator, Scoop Jackson, will present the award to the Speaker.

The Henry M. Jackson Award for Distinguished Public Service was established by the Jackson Foundation to honor individuals who have made important contributions to the Nation through public service.

Speaker FOLEY has served with honor and distinction throughout his career in public life. He is a proven leader whose strength of character, keen intellect, and integrity have enabled him to succeed in one of the toughest jobs in the Nation. He has worked his way up the House leadership ladder, serving as majority whip and later as majority leader before assuming the office of Speaker in 1989. In this role, he has demonstrated his unique talent for bringing divergent interests together, building consensus, and quietly getting things done. Recognized for his lifelong dedication to public service, the Speaker has been singled out by the Jackson Foundation for his extraordinary service today.

As the foundation celebrates its 10 years service it is also time to reflect on its many accomplishments since the untimely death of our great Senator in 1983. The foundation carries forward Scoop's lifelong commitment to building a better and more secure world for future generations. It conducts an active grantmaking program, supporting work in fields of international affairs, the environment and natural resources, human rights, and public service. In presenting the 1993 award to Speaker FOLEY, the foundation also salutes the many talented men and women in government who adhere to the highest standards of excellence.

CITIES NEED MASS TRANSIT DEADLINE EXTENDED

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. FILNER. Mr. Speaker, recently I introduced legislation which would extend for 2 years the deadline for municipalities to spend Federal matching funds provided under the Intermodal Surface Transportation Efficiency Act for mass transit projects.

Many cities are having great difficulty in meeting the September 30, 1993 deadline. For example, the city of San Diego wishes to use the funds to purchase buses. Yet it takes 10 months for these orders to be completed, and payment is not made until the buses are delivered. Under current law, the city would lose these critically needed and authorized funds because the purchase would not be completed by September 30, 1993. My legislation would give cities like San Diego the time they need to make the upgrades necessary to maintain their mass transit system.

I ask Members representing cities facing similar difficulties to join me in supporting this legislation. The September deadline is at hand!

NAFTA WILL CREATE JOBS AND CUT TAXES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. MICHEL. Mr. Speaker, NAFTA will create jobs and cut taxes. That is the message that all the naysayers must sooner or later come to understand. Don Fites, the chairman and CEO of Caterpillar, makes a compelling case for supporting NAFTA based on those facts in an article that appeared today in the Chicago Tribune, which I insert for the RECORD. I urge my colleagues to read this article to gain a better understanding of how NAFTA will benefit all Americans.

NAFTA: RIGHT OR WRONG? IT WILL CREATE JOBS AND CUT TAXES
(By Donald V. Fites)

To listen to Ross Perot and some labor leaders, you'd think the North American Free Trade Agreement (NAFTA) will end life as we know it. These folks are arguing that without the protection of tariff and non-tariff barriers, low-wage Mexican labor will victimize millions of high-paid American workers.

At Caterpillar, we can't understand how such hyperbole, coupled with a pocketful of pithy one liners, have created such a fuss about this trade agreement. For us, NAFTA is essentially just a tax cut. Mexico, Canada and the United States will eliminate the taxes (officially called tariffs or duties) charged on each other's products. The big winners will be U.S. manufacturers and their employees.

Of course, we recognize there are some other important parts to the agreement. NAFTA, together with the recently completed side agreements, will provide improved intellectual property protection, regional access to Mexico's financial service

and insurance sectors, a U.S.-Mexico border clean-up and better labor conditions.

But it seems that what really bothers NAFTA critics is the mere notion of "free trade" with Mexico. That perplexes us. For Caterpillar and most other American manufacturers, ending the Mexican tax on American-built products will provide us with an enormous competitive advantage in Mexico.

Here's how it will work. Currently, when Caterpillar ships an East Peoria-built bulldozer south of the border, the Mexican government tacks on a 10 percent duty. Our Mexican customers think of the tariff as a tax that's intended to discourage the purchase of American products. Send a Mossville-built marine diesel engine, and the duty is 15 percent. For an Aurora-built excavator, Mexico charges a 20 percent tax.

NAFTA will change that. On Jan. 1, 1994, NAFTA will obligate Mexico to eliminate its duties on those products. For other Cat products, tariffs will be eliminated over five to 10 years.

Is there a catch? There surely is, and it's a big one. Mexico's tariff reductions will apply only to products made in North America. That means products made by competitors in Japan, Europe and Korea will still be subject to Mexico's high import taxes.

Is that fair? If you ask someone who sells European or Asian products, they'll tell you in no uncertain terms that NAFTA is blatantly unfair. And they're right. The business reality of NAFTA is: If it's not made in North America, it won't be sold in Mexico.

So what is it about NAFTA that creates all the concern? NAFTA opponents will tell you—jobs, jobs and more jobs. But what does that mean? It's easy to see how NAFTA will discourage creation of European and Asian jobs. It's also easy to see how NAFTA will create American jobs. The challenge is to understand how NAFTA will—as NAFTA critics claim—hurt the American worker.

Granted, in exchange for Mexico eliminating its hefty tariffs on U.S. products, the United States agrees to eliminate duties on Mexican products coming into the United States. But this is where rhetoric abandons reality. For most products, U.S. tariffs represent nothing more than nuisance taxes. Take the U.S. duty on construction equipment as an example—it's only 2.5 percent. For agricultural equipment, the U.S. tariff is zero.

That's the real point of NAFTA. The U.S. market is already open. The Mexican market is not. If NAFTA fails to pass Congress, Mexico will still be able to ship its products into the United States with minimal tariffs. Unfortunately, American manufacturers will lose an opportunity to have what would amount to "preferential" access into the growing Mexican market.

The free trade agreement will provide another important benefit. It will reduce pressure on companies to move to Mexico. That's because under today's trading rules, U.S. companies have an incentive to move operations south of the border. By setting up shop in Mexico, companies can avoid those high Mexican import tariffs.

NAFTA would end this incentive to move operations to Mexico. By eliminating all trade barriers in North America, U.S. companies would be better able to serve the Mexican market by exporting, rather than by moving production.

It's no secret in Illinois that Mexico is an important export market. Last year, Mexico was the second largest market for Illinois products. As the state's largest manufacturer, Caterpillar is part of this export boom.

Cat exports of nearly \$200 million to Mexico in 1992 generated work for 1,300 U.S. Caterpillar workers and 2,700 employees at our U.S. suppliers.

NAFTA will mean even more sales to Mexico. We estimate the free trade agreement will boost our U.S. exports by another \$50 million over levels without NAFTA. And that will generate work for another 1,000 employees at Caterpillar and its suppliers.

Rather than trying to kill NAFTA, it would make more sense to think of ways to expand the agreement to include other countries. After all, shouldn't other countries be encouraged to end the taxes they charge on American-made products?

TRIBUTE TO CHRISTINE RIZZUTO

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. FISH. Mr. Speaker, I rise today to pay tribute to my dear friend Christine Rizzuto, a devoted wife, mother and citizen. On October 2, Christine will be honored by the Christopher Columbus Society of Yorktown as their citizen of the year. She is truly a cornerstone of the community.

Christine has a long history of service to others. She taught in the New York City school system. A resident of Yorktown Heights for 26 years, she is involved with her church, St. Patrick's in Yorktown, and in her town government. She worked for years registering voters and obtaining bus service for senior citizens to not only vote, but to go to shopping centers as well.

Most recently she organized the 500th Christopher Columbus Celebration for Yorktown. Thanks to her tireless efforts, there was a week long celebration which included theater performances, a parade, a park dedication, rides, and art exhibits.

John Rizzuto, husband of 43 years, and their son, Christopher and all her friends have enjoyed her love and dedication.

Mr. Speaker, the Yorktown community is proud of the commitment of Christine Rizzuto. I ask that my colleagues join me and the Christopher Columbus Society in saluting this outstanding leader. She is a value to the community and a true friend. Our thanks to Christine and our best wishes to her for many years to come.

THE TARGETED JOBS TAX CREDIT BILL OF 1993

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. EDWARDS of Texas. Mr. Speaker, over the years, the effectiveness of the Targeted Jobs Tax Credit [TJTC] as a hiring tool has been well documented. This program helps economically disadvantaged individuals find meaningful employment by providing a tax credit incentive for employers who hire "targeted" categories of unemployed Americans. One of the specific TJTC categories is Vietnam-era veterans.

This bill would broaden the eligibility requirement, changing "Vietnam-era" veterans, to "conflict-era" veterans. Thus, this legislation would make all veterans who may be experiencing employability problems eligible for participation in the TJTC program. Recent studies indicate that approximately one-third of the nation's homeless are veterans. TJTC could be a useful tool in prevention of long-term unemployment if used effectively with our newest generation of wartime veterans. I firmly believe this is a small, but extremely effective incentive to do this.

I urge you to join me in support of this measure to assist those most deserving men and women who served, and will serve, in our nation's defense.

TRIBUTE TO THELMA NEWORTH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Thelma Neworth, who is nothing less than my political mentor. Many years ago, when I was first making my way in politics, Thelma hired me as an intern with the California Democratic Council. I learned many valuable lessons at her side.

Watching Thelma crisscross the State organizing Democratic clubs, I recognized the value of grassroots efforts. Thelma was one of the key figures in the resurgence of the California Democratic Party in the 1960's. Her astonishing energy and singlehanded devotion were precious assets to the Democrats. From Thelma, I learned that in politics, hard work has its rewards. It was a lesson that served me well when I first ran for office in 1972.

My association with Thelma continued after I was elected. I have taken numerous opportunities to speak with Thelma about politics, issues, and anything else of interest. I hold her opinion dear.

Of course, Thelma has embraced many causes during her illustrious career. Education, for one. At various times she has been president of the Castle Heights Elementary School PTA; president of Pasteur Junior High School PTA, and president of the Hamilton High School PTA, my alma mater.

She has been closely involved with Temple Isaiah, where she has been a member for more than 40 years. Among the highlights was her work with the social action committee established by Rabbi Albert Lewis—a natural for Thelma. Along with Rabbi Lewis, Thelma established Temple Isaiah as the social justice congregation in southern California.

I am indeed fortunate to have known Thelma as a dear friend and a close advisor for more than three decades. She showed me and so many others that there is a place in politics for people with big hearts and big ideas. Whenever I despair at the pettiness of the political process, I think of Thelma and all she accomplished. My mood immediately brightens.

I ask my colleagues to join me today in saluting Thelma Neworth, a humane and compassionate person who gave so much of herself to others.

THE MAKE OUR CUTS COUNT ACT
OF 1993

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. CRAPO. Mr. Speaker, I rise today in support of legislation to establish a mechanism that will finally make our cuts count when we pass spending cut amendments to appropriations bills. Over the past few months, we have debated and voted on measures which we thought reduced spending by voting for amendments to cut appropriations bills. Like many of my colleagues in the House of Representatives, I was surprised and outraged to find out that amendments to cut spending do not mandate real spending reductions.

This creative approach lets Congress claim massive cuts while increasing its spending under baseline budgeting. But that is not the only way to claim cutting in the budget in Washington. Under our budget system, even floor votes to cut programs don't reduce budget allocations.

Under our current budget system, total discretionary spending within the appropriations process is effectively controlled by a statutorily imposed spending cap which the Appropriations Committee allocates among its 13 subcommittees. In turn, individual appropriations bills must stay within these parameters. However, when floor amendments reduce spending, the discretionary cap and the various subcommittee allocations remain unchanged.

Therefore, although floor amendments to cut programs provide for lively and good rhetoric, they do not guarantee that overall spending will be reduced. Rather, the amount not spent by virtue of the amendment is still available to be spent on other programs. The amount supposedly saved on the House floor can simply be reallocated by the conference committee for other pet projects.

While amendments to cut programs do provide for lively debate and good rhetoric, they don't require reduced spending. Rather, the amount not spent by virtue of the amendment is simply available to be spent on other programs. The amount that was supposedly saved can simply be reallocated by the conference committee for other pet projects.

Today I rise to begin the process of bringing truth to the voting and budget process. When we vote for cuts they should be just that—cuts. Today, I am joining with over 70 of my colleagues from both sides of the aisle to do just that. This is a necessary reform that will not only provide a way to reinvent government from the inside, but it will work to streamline a budget process that is raging out of control.

In addition to my colleagues who are joining with me today, I have received support from major taxpayer groups, groups that monitor Government's propensity for Government spending and waste, and leading economists. But most important, I rise today on behalf of people from all around the country, private citizens who are often kept in the dark about how Congress spends money and the limitations it has to really save.

Mr. Speaker, earlier today, my colleagues rose in overwhelming favor to end secrecy in

Government by passing a resolution to make public the names on discharge petitions. This reform and other reforms are passed by the House in large part because of public outcry to the abuses reflected in some of our actions. I was proud to have spoken out in favor of that and other reforms.

Many of the same citizens are concerned with the apparent lack of congress to control its ingrained spending habits. The legislation I have introduced today would affect a critical change in the way Congress spends and I encourage my colleagues to support this important budget reform.

TRIBUTE TO KEESTON LOWERY

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. KOPETSKI. Mr. Speaker, Oregon lost a true friend and pioneer on August 29, 1993 with the death of Alan Keeton Lowery. Virtually all Oregonians respected Keeton Lowery for his zeal for life, love for Portland and the State of Oregon, and his unwavering commitment to civil rights.

Keeton Lowery, a longtime aide to Portland City Commissioner Mike Lindberg, was involved in Oregon politics for a number of years. As a member of Commissioner Lindberg's staff, Keeton worked on intergovernmental relations, with the water bureau, and in the formulation of film production policies for the City of Portland. Keeton also developed Portland's civil rights ordinance which bans discrimination based on race, religion, gender, sexual orientation, and several other categories.

A Portland homeless advocate stated of Keeton Lowery, "His years at City Hall were spent fighting to open doors for those without political power." Former Portland Mayor and Oregon Governor Neil Goldschmidt said, "For those of us who labor in this vineyard of city life, no one grew the grapes better than Keeton Lowery * * * You, Keeton, are my city's best friend."

Keeton Lowery was instrumental in the founding of the Right to Privacy PAC, the political organization of Oregon's gay and lesbian community. A longtime voice and tireless representative of the gay and lesbian community, Keeton Lowery challenged stereotypes daily as he worked through his community and in Oregon. Commissioner Lindberg vocalized the feelings of so many Oregonians when he stated, "We loved Keeton Lowery * * * Keeton was an uncompromisingly humane spirit. He devoted himself to securing the human rights of gay and lesbian communities. His death was a great loss to the city of Portland and State of Oregon."

Mr. Speaker, Oregon will miss Keeton Lowery. His life was a wonderful gift to the people of Oregon. The following is a news account from The Oregonian newspaper highlighting the many touching statements from Keeton's friends.

[From the Oregonian, Sept. 3, 1993]

700 OFFER FINAL SALUTE TO FALLEN WARRIOR

(By Dick Bella)

Some fought back tears, though most tried to recall happier times of pride in commitment, principle and progress.

Some of the 700 people at the Portland Rose Garden on Thursday wrung their hands, hurt and angry that death had taken a friend so accomplished and respected.

But all remembered Alan Keeton Lowery as a man whose humor, wit and unswerving dedication fought directly against the dark forces of ignorance, bigotry and hatred.

"For those of us who labor in this vineyard of city life, no one grew the grapes better than Keeton Lowery," said former Gov. Neil Goldschmidt, who met Lowery while serving earlier as Portland mayor. "You, Keeton, are my city's best friend."

"We can keep freedom only by giving it away," Goldschmidt continued. "You made a life of giving freedom away. Eventually, I believe we will be the people you dreamed of, the people you believed in and worked for."

Lowery, an aide to Portland City Commissioner Mike Lindberg, was found dead Sunday in his Northwest Portland home after succumbing to the AIDS-related ailments he had been battling for several months. He was 43.

Lowery was best known as a gay activist who dedicated himself to civil rights issues. But his focus never was narrow, and he lent his energies to underdog causes across the board. Furthermore, his optimism and good cheer allowed him to cross many boundaries and act as a political conscience at-large.

The turnout at the Thursday morning memorial service was a testimony to Lowery's reach. Goldschmidt was joined by Gov. Barbara Roberts, former U.S. Rep. Les AuCoin, Attorney General Ted Kulongoski, Labor and Industries Commissioner Mary Wendy Roberts, Portland Mayor Vera Katz and host of state and local officials. The memorial, which lasted more than an hour and a half, was filled with testimony from friends and admirers.

Many recalled Lowery as a person who recovered quickly from disappointments, resetting his sights on a new cause as soon as possible. They said that his good will was infectious, and that he was an astute political observer who could intuitively plot winning strategies.

"It was Keeton's jaded optimism," said Mark Cloutier, a long-time friend. "It was Keeton's ability to believe something good was going to happen despite all the obstacles working against it."

Mary Volm, who works in the city's Office of Transportation, said that Lowery's self-image was positive and strong. Because he believed deeply in what he was doing, he never let critics dissuade him.

"When I'd stumble over life's roadblocks, he'd say, 'Why do you let those people tell you what to think about yourself?'" Volm said. "I've never met anyone who had a stronger sense of self. I'm going to miss you, Keeton."

Lindberg said that Lowery sometimes could not understand all the hostility that his homosexuality seemed to trigger.

"He found it annoying and puzzling sometimes that we had to spend so much of our precious time on this planet working for the basic human right to love whom we choose," Lindberg said. "He was not religious, but he was one of the most spiritual people I've ever known."

"In the area of human rights he was the 20th century's gift to the 21st century."

ADDRESS OF DR. LEE TENG-HUI,
PRESIDENT, REPUBLIC OF CHINA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Ms. BROWN of Florida. Mr. Speaker, I was highly honored and privileged to have a chance to visit the Republic of China on Taiwan last month. Even though I had heard a great deal about this economic and political dynamo in the Pacific before my trip, I was pleasantly surprised to learn that Taiwan is indeed what I had heard and more.

Taiwan is in the midst of a 6-year national development plan and it will significantly improve its infrastructure and raise the people's standard of living upon the completion of the plan in a few years. Taiwan's vibrant economy is expected to continue to grow strongly and its rapid political democratization will accelerate even faster in the future.

President Lee was especially gracious to have told me of Taiwan's political reforms on the eve of the ruling party's 14th Congress on August 15. As I sat next to President Lee at the dinner table, he spoke of Taiwan's democratization process as well as its interest in participating in all international organizations and in returning to the United Nations. I was greatly impressed by his remarks that evening. I submit President Lee's dinner remarks for the CONGRESSIONAL RECORD.

WELCOME ADDRESS BY H.E. DR. LEE TENG-HUI, PRESIDENT, REPUBLIC OF CHINA

DINNER PARTY IN HONOUR OF INTERNATIONAL DISTINGUISHED GUESTS, HOSTED BY KUOMINTANG CENTRAL COMMITTEE, AUGUST 15, 1993

Secretary-General Hsu of the KMT, Excellencies, Distinguished Guests, Ladies and Gentlemen:

I have the pleasure of meeting your distinguished guests on the eve of the 14th National Congress of the Chinese Nationalist Party. First of all, I would like to extend to all overseas guests, who have come from four corners of the earth, my sincerest welcome on behalf of the government and people of the Republic of China. I would also like to thank all of you for participating in the 14th National Congress on behalf of the Chinese Nationalist Party.

Next year will be the centenary of our Party. This is a glorious record. Five years ago, we invited overseas guests to observe the proceedings for the first time ever when the 13th National Congress of our Party was held. This time, we are equally honored to have forty eight distinguished guests who have come from seventeen countries throughout the world. Your presence has done this Congress a great honour.

The Government of the Republic of China has been launching various national reconstruction projects since 1949 when it moved to Taiwan. During all these years, we managed to create and establish the most prosperous and the most harmonious community ever in Chinese history here on this island where the natural resources have always been in short supply. In the past five years, based upon the perceptions and ideas of political democratization, social pluralization, the renaissance of Chinese culture, and following the contemporary trends, we have continued to lead this country and we have

achieved the goals of constitutional reform and economic development. For the moment, two sides of the Taiwan Strait have entered a phase of peaceful competition and the development of parliamentary democracy based upon a healthy competition of political parties has also marched into a new frontier in my country.

Last year, the Chinese Nationalist Party was admitted to membership of the International Democratic Union, this signified the confirmation by the international community of our efforts in pushing through with the democratization over many years. This was very encouraging to us. From now on, our Party would like to enhance mutual understanding and friendship through continued liaison and cooperation between political parties; and our Government would be willing to share with friendly countries our experiences of success, so that we could repay the international community and play a positive and constructive role. We would like to cement and strengthen bilateral ties with all peace-loving and freedom-loving countries on Earth. We also like to further participate in international activities and international institutions. Consequently, I am sincerely hopeful that all the distinguished visitors from abroad will, upon returning to your respective countries, convey this message to your government agencies and people concerned so that we could cooperate with each other in promoting well-being.

Ladies and Gentlemen, please visit as many places and meet as many people as possible during your visit here in order that you could gain a penetrating and accurate understanding of our national development and appreciate what is going on. Finally, I wish you all a happy and fruitful trip.

Thank you and see you tomorrow.

NUCLEAR TESTING MORATORIUM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. SPRATT. Mr. Speaker, last year the House passed a one-year moratorium on nuclear testing. The Senate took the test moratorium and added testing restrictions, and an amendment offered by Senator Hatfield was adopted as part of the Energy and Water Appropriation Act.

The Hatfield amendment bars nuclear tests between September 30, 1992, and July 1, 1993, and allows for tests afterward only if the President has submitted a schedule to Congress for resuming "Nuclear Testing Talks with Russia" and a plan for "achieving a multilateral comprehensive ban on testing" by September 30, 1996. The Hatfield amendment limits the number of tests each year to no more than 5 and the number of tests over 4 years (fiscal year 1993 through fiscal year 1996) to no more than 15, as follows: Each year one test may be conducted to prove the reliability of a warhead, provided the President certifies that the test is "vital to national security"; each year a test may be conducted on behalf of the British; the remaining tests are confined to certifying a warhead after safety devices have been retrofitted onto it. Since we have conducted no tests in fiscal year 1993, the Hatfield amendment in effect limits the tests to

three for the British, three for reliability, and nine for certifying safety devices.

The emphasis on safety devices stems from the Drell Commission Report, submitted in December 1990. In 1990, the Armed Services Committees asked three eminent physicists (Sidney Drell of Stanford, Charles Townes of Berkeley, and John Foster of TRW) to take a hard, critical look at safety in our nuclear arsenal. We were prompted by classified testimony from the directors of the national labs (Los Alamos, Lawrence Livermore, and Sandia), who told us that warheads were deployed and still being built that did not incorporate all state-of-the-art nuclear safety devices. They implied, in effect, that we were incurring unnecessary nuclear risks. Basically, they had reference to three modern safety devices:

(1) Enhanced Nuclear Detonation Safety (ENDS). A nuclear weapon equipped with ENDS has two separate strong links that must be closed electrically for the weapon to be armed—one by operator-coded input, another by environmental input corresponding to the flight trajectory. In addition to the strong links, one weak link must be closed. By requiring three separate circuits to be closed, ENDS ensures that an aberrant electrical charge, such as lightning, will not accidentally detonate a warhead. Introduced in 1977, ENDS is now used in approximately half (52%) of our nuclear weapons.

(2) Insensitive High Explosive (IHE). The explosion of a thermonuclear weapon is initiated by a conventional explosive layered around a plutonium hull. (Because the plutonium hull is shaped like the pit of a fruit, it is commonly called the "pit.") Since 1980, "insensitive high explosive" or "IHE" has been the chemical explosive preferred for this purpose, because IHE is more difficult to detonate accidentally than its predecessor, which is known simply as "High Explosive" or "HE." Introduced in 1979, IHE is used in approximately 25 percent of our nuclear weapons.

(3) Fire-Resistant Pits (FRP). A fire-resistant pit is designed to contain molten plutonium should it melt in an accidental fire. The FRP reduces the risk of plutonium dispersal into the atmosphere or the risk of molten plutonium going critical. Introduced in the late 1980's, fire-resistant pits are now used in about 10 percent of our nuclear weapons.

The Short Range Attack Missile (SRAM-A) came under especially critical attack by the lab directors because it lacks any modern safety features and, until recently, was loaded on bombers on ready alert. In 1974, an engine on a B-52 caught fire on the landing strip and the fire might have ignited SRAMs aboard the bomber but for a change in direction of the wind. Had the rocket fuel or explosives in the SRAMs ignited, the plutonium pit in its warhead could have been blasted into the atmosphere and aerosolized, leaving radioactive damage miles around the base. Some of us who learned how real this risk was sought to have the SRAM taken off alert bombers and stored in bunkers. Secretary of Defense Dick Cheney asked the Air Force to review the problem. The Air Force did so and decided to take the SRAMs off alert.

The SRAM-A raises the risk of accidental nuclear detonation, but at a very low probability and at a very low yield. It carries a higher risk of plutonium dispersal, with potentially

grave consequences. However, as the Drell Commission noted, safety analysis has focused largely on nuclear yield accidents and too little on plutonium dispersal accidents.

It was this latter risk—plutonium dispersal—that brought the W-88 warhead, the warhead for the D-5 missile, under scrutiny. Although insensitive high explosive (IHE) was developed when the W-88 warhead was designed, its extra weight and volume could have meant slightly less yield for the W-88, or less range for the D-5 missile, or they might have meant deploying 7 rather than 8 warheads on the D-5. Los Alamos and the Navy traded off safety for performance and chose not to use IHE in the W-88 warhead. The additional risk is small, but it is compounded by the design of the D-5 missile.

The D-5 carries 8 warheads contained in reentry bodies. Rather than being mounted on a deck above the rocket motor, the reentry bodies are mounted on a ring, and the upper end of third-stage rocket motor protrudes through the center of the ring. Within the rocket motor itself, another tradeoff was made. The Navy chose a rocket propellant that pushes the missile to greater velocity and longer range, but also detonates more easily than the alternative propellant.

The Navy bristles at the suggestion that it traded safety for performance in designing this missile and its warhead. The Navy stresses its safety record and insists that the tubes on the Trident submarine keep the D-5 missile in a highly protective environment. But on occasion, the D-5 missiles are lifted out of their tubes by an overhead crane. The crane's cable connects to the missile by a bullring in the missile's nose cone, and it is not hard to imagine how an accident could occur. If a missile were dropped, it could conceivably detonate the propellant, which in turn could cause the HE in the warhead to detonate. This could lead to a low-yield nuclear reaction, but more probably it would result in an explosion that pulverized the plutonium pit and dispersed the aerosolized plutonium into the atmosphere.

In summary, four compromises in safety were made in the design of the D-5 missile and the W-88 warhead:

- (1) The use of HE instead of IHE.
- (2) The use of a detonable propellant in the third-stage motor in lieu of a less detonable propellant.
- (3) The placement of the third-stage motor and the reentry bodies in close proximity.
- (4) The use of a conventional pit in lieu of a fire-resistant pit, although a fire-resistant pit probably would not withstand the intense heat of a missile propellant explosion or HE detonation either.

Most of the criticism against the W-88 came from Lawrence Livermore Lab. The design for the warhead went to Los Alamos, but scientists at Livermore kept pressing questions about the W-88. Eventually, their concerns leaked out of the labs, and the Drell Commission was established to assess these concerns. W-88's were being built without IHE and deployed on D-5 missiles close to a detonable propellant. Since safer features were available, and the extra range and yield were marginal, and of far less importance with the end of the cold war, the main question presented to the Drell Commission was: Why

build the D-5/W-88 in this configuration? Although the D-5/W-88 was the Drell Commission's focal point, their charter was broadened, and before they finished, they looked into the safety of the entire nuclear stockpile.

The Drell Commission recommended that all nuclear weapons in the stockpile be equipped with ENDS and that all nuclear bombs and cruise missiles loaded on aircraft be equipped with IHE and fire-resistant pits. With respect to the D-5/W-88, the Commission recommended that the Navy do a "more credible analysis on how well or whether the D-5/W-88 meets modern safety standards."

The Drell Commission found also that the national labs nurtured a more ambitious agenda for enhancing the safety of nuclear weapons. The labs, particularly Livermore, would like to explore a new design generation of nuclear weapons—weapons in which a hardened plutonium capsule is completely segregated from the high explosive until the weapon is armed. This would call for an undetermined amount of research, testing, time, and money. The Drell Commission reported the concept without recommendation. Whatever the merits may be, it is unrealistic to think that Congress would approve the cost.

In response to the Drell Commission, the Navy ran a new series of probabilistic risk assessments showing that detonation as a result of dropping the D-5 is exceedingly improbable. The Navy agreed to separate the post-boost vehicle that carries the reentry bodies from the body of the D-5 whenever the missile is lifted from its tube, but the Navy estimated an overall cost of \$4-\$5 billion to redesign the W-88 warhead to incorporate IHE and the third stage of the D-5 missile to segregate the rocket motor from the reentry bodies. The \$4-\$5 billion estimate seemed inordinate, but it was credible enough to chill anyone's ardor for redesigning the W-88 and the D-5's third stage motor.

When the Chairman of the Drell Commission presented his report to Congress, he said that he supported continued testing for safety purposes, but also agreed with Secretary of State James Baker, who said "we cannot approach proliferation in a business-as-usual manner." Drell said: "If, or when, it is judged that agreeing to a comprehensive test ban would be an important aid to non-proliferation, I recommend that the United States agree to such a ban. Meanwhile, I support a testing program designed to advance the possibilities and understanding of enhanced safety, thereby helping us prepare for a comprehensive test ban. * * * I recommend that the United States abandon its official position that we must continue to test as long as we have nuclear weapons. It should be replaced by a policy that limits underground tests to those that are required to insure that all the weapons * * * meet appropriately conservative criteria for nuclear weapons safety."

This advice set the stage for the Hatfield amendment, which limits the number of tests to 15 as discussed previously. As the moratorium imposed by the Hatfield amendment drew closer to its end date of July 1, 1993, an inter-agency group presented President Clinton with an alternative testing plan composed of 9 specific tests—three for reliability, three for the British, and three for certifying safety devices.

But neither reliability nor safety nor national security generally required that any of these tests be conducted within the next twelve months:

1. W-80 Safety Tests. Rather than dealing with the W-88 and its shortcomings, three tests were proposed to recertify the W-80 warhead with a fire-resistant pit. The W-80 is the warhead used in air-launched cruise missiles (ALCMs). To certify the warhead, tests would be needed, but the need to test now is not compelling for two reasons:

(1) Cruise missiles are no longer loaded on bombers but are stored in bunkers. The only safety risk mitigated by fire-resistant pits is the risk of fire when bombers are on ready alert and loaded with ALCMs.

(2) Fire-resistant pits will not remove this risk for 10 years, because the Air Force does not plan to replace existing pits in deployed W-80s with fire-resistant pits until the year 2003.

Clearly, there is no rush to test the new FRP for the W-80.

2. Reliability Tests. It was also proposed that the following warheads be tested for reliability: W-88, the warhead for the D-5, Trident II missile; W-76, the warhead for the C-4, Trident I missile; W-87, the warhead for the MX or Peacekeeper missile.

Each of these warheads was tested in development, and each has been tested at least once since production. To my knowledge, there are no unresolved questions about the capability of any of these warheads. Because they will be deployed for years to come, reliability tests would be useful, but in truth, the tests would be useful at some time well into the future when the effects of aging have taken their toll. In all likelihood, testing now will tell us what development tests have already told us: That in their current condition, these warheads are reliable.

The Hatfield amendment allows one test per year for reliability, but requires the President to certify to Congress that "it is vital to the national security interest of the United States to test the reliability" of the warhead at issue. Had the President opted to resume testing, I doubt that such a certification could have been made in good faith; and under the Hatfield amendment, the President's certification could have been challenged and disapproved by a joint resolution of Congress.

3. British tests.—It was also proposed that three tests be allowed for the British to prove the design of a new gravity bomb and a new warhead for the D-5 missile. We have a commitment to the British, but there are good reasons for overriding it:

First, nuclear gravity bombs have been built for almost 50 years. Experience with previous designs should be enough to give the British adequate confidence without testing.

Second, Britain's nuclear deterrent is not based on gravity bombs but on SLBM's. Britain is building under license as many as four Trident submarines, all to be equipped with D-5's that are vastly more important to the U.K.'s security than gravity bombs. Britain has designed its own warhead for the D-5, which has been certified. The British are planning to put improved safety devices on their D-5 warhead, and would like to test warheads equipped with these devices. This is important, but there is a countervailing consideration. The United States has far more at risk

in provoking Russia, Ukraine, Belorussia, and Kazakhstan by resuming tests, than in disappointing the British by continuing the moratorium. The British ought to understand why we do not want to risk the chance of removing ICBM's from Ukraine, or the chance of gaining accession to the NPT by the nuclear states of the former Soviet Union and ratification of START I and II. All of these objectives are more important to world security than testing Britain's gravity bomb or new D-5 safety devices.

During April, I was in Ukraine and Russia with the Gephardt congressional delegation, and we found the path to START I and II and the NPT littered with obstacles. There is no reason to add another one. No one can tell with certainty what effect testing will have on Russia, Belorussia, Kazakhstan, or Ukraine; but certainly no one can say that testing will help us work out the removal of missiles from Ukraine, or help us gain approval of NPA and START I and II from the nuclear states of the former Soviet Union. Our security interest in getting rid of the missiles in Ukraine and in gaining accession to the NPT and ratification of START I and II is enormous. By comparison, our need for nuclear testing over the next 12 to 24 months is negligible. In fact, in the post-cold-war world, our interests are probably served by an extended moratorium, because it gives us moral high ground as we try to control the spread of nuclear weapons, which is a major security risk.

The President was right, therefore, to extend the moratorium on nuclear testing; but he should not let it become a moratorium on the hard decisions that have to be made before the question of testing is settled for the long run. Energy, Defense, and the NSC have to decide whether limited testing is required in the long run as our arsenal ages, and since their views are not exactly disinterested, outside experts ought to be asked in for advice. The Department of Energy and the labs should take this moratorium as a sign of what the future holds, and start studying in earnest how to remanufacture warhead components when testing is limited or no longer allowed. And before testing is forsworn forever, the experts ought to resolve the merits of low-yield testing, plus testing things other than warheads—like devices to disabled mininukes planted by terrorists. Even more fundamentally, the Department of Energy has to figure out how it will keep the corporate memory on nuclear weapons if testing is not allowed—and how it will attract and retain the talent a nuclear arsenal requires when nuclear warheads are no longer being designed, developed, or tested.

These decisions need to be made now, not left until 1996 when the Nuclear Nonproliferation Treaty comes up for renewal—and overbearing pressure for a comprehensive test ban comes with it.

OVERTIME WITHOUT COMPENSATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. LANTOS. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent article which recently appeared in the Houston Chronicle. The article describes injustices faced by workers asked to work overtime without compensation and without recourse.

This is not a new problem. As chairman of the Employment and Housing Subcommittee, I published a report, quoted several times in the article below, which illustrated these very problems.

Under current law, employers have very little incentive to abide by the wage and hour laws provided for in the Fair Labor Standards Act. Indeed, employers find it less costly to continue the violations until the prolonged investigative process is completed, then pay a ridiculously modest fine.

I have introduced legislation, H.R. 2710, the Wage and Hour Reform and Equity Act of 1993, which will reform the investigation process so that it will help and protect those whom it is designed to protect—the worker.

The time has come to be tough on wage and hour law violators and bring prompt justice to the workers who deserve to be protected by their Government. I urge my colleagues to take a moment to carefully consider "Cheated Out of Pay; Labor Department Fails To Enforce Overtime, Minimum Wage Laws" and to support the Wage and Hour Reform and Equity Act of 1993.

CHEATED OUT OF PAY; LABOR DEPARTMENT FAILS TO ENFORCE OVERTIME, MINIMUM WAGE LAWS

(By L.M. Sixel)

For three years, Randy Speer worked 11 hours a day, ate lunch at his desk and spent many a Saturday at the office.

When the salesman for a construction materials supply company complained to the Wage and Hour Division of the Labor Department that he had not been paid overtime wages, an agency investigator quickly calculated he had about \$5,000 coming.

But it took the agency so long to investigate Speer's complaint that a lot of the back wages evaporated because of the statute of limitations.

And Speer's former employer was able to convince the Labor Department to reduce the amount further because of vacation and sick leave.

In the end, Speer got only \$2,676.

While Speer feels shortchanged, he is luckier than some who complain to the Labor Department. Many people wind up with nothing.

The problem is, short of suing, the Labor Department has no way to force employers to pay up. Employers know it, and some refuse to pay.

A 1991 report by the Inspector General indicated employers refused to pay 41 percent of the back wages the Labor Department found were due. Some employers agreed to pay as little as 5 cents on the dollar, according to a congressional report.

In fact, it's to an employer's advantage to drag out the process for as long as possible.

The two-year limit on collecting back wages continues to run even after a com-

plaint with the Labor Department has been filed. If an employer stalls, the employee will pocket less—perhaps nothing.

It takes the Labor Department an average of 10 months to investigate and resolve a complaint, according to a report by the U.S. House of Representatives' Committee on Government Operations.

Just getting the initial investigation under way takes between four and six months, the committee found.

"This statutory scheme works exclusively to the benefit of employers who fail to comply with wage and hour laws," according to the report.

The Labor Department can ask employers to waive the statute of limitations in back wage claims for the time it takes to resolve the complaint. But the government doesn't use that weapon very often. Wage and hour officials estimate they obtain waivers in less than 10 percent of the cases in 1991, according to the congressional report.

The only recourse employees have left is to hire their own lawyer. But many lawyers aren't interested unless it's a big case involving a lot of money.

After Speer received a letter from the Labor Department telling him about its huge backlog of complaints, he tried to hire an attorney.

One lawyer refused, telling Speer that his claim was just too small.

"But the clock keeps running," Speer said. "What kind of recourse do I have?"

Houston labor lawyer Patrick Flynn questions the agency's priorities. The government focuses on complaints that could involve lots of back wages and doesn't generally pursue smaller cases, he said. But it's those individuals with small claims that need the help the most, Flynn said.

Many of the problems stem from the fact the agency is understaffed, he said. The agency has 800 investigators, 26 percent less than it had in 1979.

At the same time, the agency's mandate has broadened. It now enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Immigration Nursing Relief Act, the Immigration Reform Act, the Employee Polygraph Protection Act and most recently, the Family and Medical Leave Act.

Sixteen wage and hour employees are responsible for enforcing overtime and minimum wage laws in 53 Texas counties. The Houston office has only five phone lines, said Dan Brown, district director. Each day, the Houston office logs 250 phone calls and gets between 30 and 40 walk-in visitors.

A paucity of investigators coupled with lax enforcement of the wage and hour laws means farmworkers in the Rio Grande Valley are regularly cheated out of minimum wages, according to Mike Kirkpatrick, staff attorney for Texas Rural Legal Aid in Weslaco.

The Valley has three wage and hour investigators, and only one is assigned to enforce wage and hour laws for farm workers, Kirkpatrick said.

Minimum wage violations are widespread, he said. Fruit and vegetable pickers are typically paid based on their productivity, and it's often impossible to pick enough to earn the minimum wage of \$4.25.

The Labor Department does little about violations it uncovers except to extract a promise of future compliance, Kirkpatrick said. Packing sheds, growers and farm labor contractors that, year after year, get caught for paying less than the minimum wage are not hit with back wages or damages as long as they utter the "magic words" to investigators: "They understand their obligations

and will try to do better in the future," he said.

Rio Fresh, a large packing shed in San Juan, has been investigated by the Labor Department at least nine times for a variety of offenses, including minimum wage violations and inadequate record keeping, Labor Department reports show.

Even though the investigations uncovered violations, including manipulating the number of hours employees worked, the company was not always required to pay back wages, according to the Labor Department reports. Instead, the reports conclude that Rio Fresh will keep better payroll records and that officials promise future compliance.

"An employer can violate the law knowing there's a slim chance of getting caught," Kirkpatrick said. "If he is caught, the fine and back wages are cheaper than the cost of complying with the law in the first place."

Rio Fresh officials did not return telephone calls.

The agency tries to get employers to agree to comply with the law in the future, said Gary Foster, acting director of wage and hour enforcement in Dallas. That way, if the employer continues to violate the law, the Labor Department can seek an injunction from a judge, he said.

But the agency has no systematic way to check whether past violators are complying.

And when it's confronted with evidence that a company continues to flout the law, the agency turns a deaf ear, according to the Committee on Government Operations' report.

For example, when the Labor Department agreed to settle an unpaid overtime case with Food Lion, the grocery store chain, for \$300,000 in 1989, the chain promised to comply with the law in all its stores.

Subsequent employee complaints about being forced to "work off the clock" surfaced, and investigators found back wages were owed. But instead of suing the company to enforce the nationwide compliance agreement, the agency told employees they were on their own in trying to collect the money.

In a 1990 case, the agency told an employee that after reconstructing work hours, the agency figured Food Lion owed \$19,459 in back wages, according to the letter, which was published by the House Committee on Government Operations. The company disagreed but offered \$1,000 to settle the claim.

If the employee decided not to accept the \$1,000, the employee's only recourse was to sue privately. The Labor Department had decided "It is not suitable for court action," according to the letter. And the Labor Department didn't mention the nationwide compliance agreement to the Food Lion employee.

"If you're a lawyer, you'd be a lot more enthusiastic if someone came to you with the compliance agreement" because it would be an easier case to win, said Nick Clark, a lawyer with the United Food and Commercial Workers Union in Washington, D.C.

Part of the problem is that the Labor Department doesn't have a way to check on complaints filed in the agency's different U.S. regions.

Dean Speer, director of the division of policy analysis for the Wage and Hour Division in Washington, D.C., said it's the regional solicitor's decision whether to file a lawsuit, not the Wage and Hour Division.

"We can reason, beg, plead, whatever," he said.

As for not telling the Food Lion employee about the nationwide compliance agreement, perhaps it was an oversight, he suggests.

He points to the recent Labor Department settlement with Food Lion as a sign of improved enforcement efforts.

Earlier this month, the grocery chain agreed to \$16.2 million, most of which went to workers, to settle child labor and overtime pay allegations. The company admitted no violations in the investigation that covered 85 stores in 12 states.

It's hard to investigate wage and hour complaints if an employer fails to keep records. While federal law requires records, there is no monetary penalty for not doing so.

"Indeed, in many instances, it is to an employer's advantage not to keep adequate records since this may impede the Labor Department's ability to detect violations and collect back pay for workers," according to the Committee on Government Operations' report.

Both the General Accounting Office and the Labor Department's Inspector General have suggested fining employers who fail to keep wage and hour records.

Partly because records are often incomplete and partly to resolve complaints faster, the Labor Department is often willing to reduce the amount of back wages due.

When the Labor Department sued Tillman Fertitta and Pirogue Management Co. in 1990 for failing to pay time and one-half overtime, the agency calculated the restaurant chain owed \$375,000 in back wages. The agency also recommended \$375,000 in added damages.

But in the end, the chain, which owns five Landry's restaurants and one Willie G's eatery, ended up paying only \$166,935.

Landry's vice president and general counsel Steven L. Scheinthal said the government's figures were "a made up number."

The company agreed to the settlement even though it believed it didn't owe any back wages because it would cost too much to fight the charges, Scheinthal said.

The Labor Department won't explain its rationale in lowering the back wage amount or dropping the damage claim. "We don't comment on our cases," said James E. White, regional solicitor.

"The dispositions speak for themselves."

The Labor Department also has come under fire for its policy of not publicizing its findings of overtime violations. The policy is misguided and makes no sense, the Committee on Government Operations said.

Some agreements are even kept secret—which makes it harder for ex-employees to hear about the back wages they have coming.

When Marco's Mexican Restaurants in Houston agreed last year to pay \$450,000 in back wages to 1,608 employees, it extracted a promise that Labor would not issue a press release on the settlement.

"It's not an unusual agreement," regional solicitor White said. "We don't make news releases generally. It was something they requested, and we agreed to it."

Ghulam Bombaywala, owner of Marco's, said that while he doesn't remember making the request, he did want to get the case behind him.

"I wanted to take it further, but it was draining the company and draining me," Bombaywala said.

Even if an employer agrees to pay back wages, it doesn't necessarily mean the worker will see the money.

In an unpublished review of the agency's collection procedures, the Inspector General's office found many examples of employees who did not receive their promised back

wages. One employee was promised \$11,000 in back wages but two years later he had not been paid.

In another case, Ronnie Coats complained to the Labor Department that the auto supply store he worked for in Nacogdoches wasn't paying overtime.

When he went to get his back wages, Coats was more than a bit surprised when the Labor Department investigator in Lufkin pulled a \$309 cash payment out of his wallet.

The investigator, Thomas Jones, did something else odd—he subtracted \$89.74 for "social security and federal income tax," Coats said. Not knowing any better and being a broke college student, Coats gratefully accepted the money.

Jones was asking employers to make the back wage checks payable to him, said Robert Rawls, assistant U.S. attorney in Beaumont, who prosecuted Jones for embezzlement.

Most employers are unfamiliar with the procedures for resolving back wage claims, and Jones was cashing the checks and keeping some of the money as "withholding tax," Rawls said.

Jones pleaded guilty and was fired. Part of his sentence was to repay 12 victims \$1,593. So far, Coats hasn't received a penny.

HONORING JUSTICE THURGOOD MARSHALL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. TRAFICANT. Mr. Speaker, I am honored to pay tribute today to a great American, the late Supreme Court Justice, Thurgood Marshall. I commend my distinguished colleague from New York, Mr. RANGEL, for organizing this special order.

Thurgood Marshall was a giant in this Nation's civil rights movement. His lifelong commitment to civil rights and his unbending efforts to end discrimination and ensure equal justice for all Americans, has left a lasting impression on our legal system and our society.

Born in Baltimore, the son of an elementary school teacher and yacht-club steward, Thurgood Marshall began his legal career in 1933 after graduating first in his class at Howard University Law School. Almost immediately Thurgood Marshall began chipping away at the barrier's—both legal and social—that prevented African Americans and other minorities from enjoying the full civil rights granted under the Constitution.

In one of his first civil rights cases, Marshall successfully gained admission for a young African American man to the University of Maryland Law School. Three years later, he was hired by the NAACP and in 1939 he founded the NAACP Legal Defense and Educational Fund.

From 1940 to 1961 Thurgood Marshall travelled the country defending the rights of minorities and challenging the status quo. He won dozens of important civil rights victories, prevailing in 29 of the 32 cases he argued before the Supreme Court—including the landmark 1954 *Brown versus the Board of Education* ruling. That ruling ended "separate but equal" school systems and led to the eventual

integration of America's schools. During his tenure at the NAACP, Thurgood Marshall methodically worked to break down the long-standing foundations of segregation and discrimination in American society.

In 1961, President Kennedy appointed Marshall to the U.S. Court of Appeals for the Second Circuit. Several months later his nomination was approved by the Senate, making him the second African American judge to sit on the second circuit. In 1965, President Johnson appointed Thurgood Marshall Solicitor General of the United States. As Solicitor General, Marshall gained several important civil rights victories at the Supreme Court—including High Court approval of the Voting Rights Act of 1965.

In 1967, President Johnson nominated Marshall to the Supreme Court. On August 30, 1967, the Senate confirmed Marshall, making him the first African American Justice in the Court's 178-year history.

Throughout his tenure on the Supreme Court, Thurgood Marshall was a powerful voice and untiring advocate for civil rights and equal justice under the law. His life's work and the legacy he left will have a lasting impact on all Americans.

Thurgood Marshall will be remembered not only as a brilliant civil rights leader, but as an outstanding lawyer and a dedicated and talented jurist.

But what I think is most important is that, at a critical juncture in our history, Thurgood Marshall taught all of us how to fight, and how to win. He was truly a David fighting a host of Goliaths. Despite the great resistance to change, Thurgood Marshall won. His landmark civil rights victories were victories for all Americans—we all owe him a debt of gratitude.

Thurgood Marshall's life will serve as a lasting example of the right way—the American way—to fight to change, improve, and protect our democracy. His life's work and his legacy will long endure.

TRIBUTE TO WILLIAM L. TAYLOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. EDWARDS of California. Mr. Speaker, in June of this year, the District of Columbia Bar Association awarded William M. Taylor the Thurgood Marshall Award.

Those of us who are fortunate to have worked with Bill over the years, and who are proud to call Bill our friend, know that the D.C. Bar could not have made a more appropriate choice as the first recipient of this distinguished award.

Like Justice Marshall, Bill Taylor has devoted his life to the pursuit of equal opportunity and social justice for all Americans. As Chairman of the Subcommittee on Civil and Constitutional Rights, I have always been able to turn to Bill for his legal expertise, his sound political judgment and his total dedication to civil rights. Virtually every piece of civil rights legislation that this body has considered during my tenure here has owed its success in some measure to the hard work and commitment of Bill Taylor.

Listen to the remarks made by D.C. Bar president Jamie S. Gorelick in presenting the Thurgood Marshall Award to Bill:

There are few careers as rich in the service of civil rights as Bill Taylor's. A graduate of Brooklyn College and Yale Law School, he wasted no time in using his newly-learned skills in the public interest. His first job as a lawyer was a staff attorney for the NAACP Legal Defense and Education Fund, under the direction of its then Director, Thurgood Marshall. He subsequently served as legislative representative of the Americans for Democratic Action, where he addressed civil rights, civil liberties and social welfare issues before the Congress.

He pursued his commitment to civil rights in the 1960's, becoming General Counsel and then the Staff Director of the United States Commission on Civil Rights where he worked to make sure Federal nondiscrimination policies were enforced. During his tenure, the Commission achieved an impressive record of advancing the rights of all Americans. In 1970, Bill founded the Center for National Policy Review, a civil rights research and advocacy organization. While at the Center, he helped secure major desegregation victories in Wilmington, Indianapolis, St. Louis and Cincinnati.

In the legislative arena, he was a central participant in the 1982 extension and strengthening of the Voting Rights Act of 1965, and he helped lead successful efforts to enact the Civil Rights Restoration Act of 1988, the Civil Rights Act of 1991, and the 1993 National Voter Registration Act.

When the Reagan Administration took steps to dismantle the U.S. Commission on Civil Rights in 1982, Bill helped found the Citizens Commission on Civil Rights, a bipartisan group of former federal officials that monitors federal civil rights policies and enforcement efforts.

To ensure that his knowledge and expertise would be used by the next generation of lawyers, Bill spent 13 years teaching civil rights and public policy law at the Catholic University, where he established the school's clinical program in 1970.

In the private practice of law, Bill has continued his efforts to advance civil rights causes. He represents minority and low-income children in litigation seeking equal educational opportunity. His counsel has been sought by educators, and school administrators as they undertake ways to serve the needs of all students in their systems.

His writings are extensive, adding tremendous knowledge to the national debate on how best to see that all Americans benefit from the laws written to protect their rights.

Bill Taylor has been profiled by the news media numerous times. One writer described him as "relaxed but resolute." We are told that "resolute" may be apt, but the "relaxed" part is a family joke. The late Justice Marshall observed about Bill Taylor, "[H]e won't bend an inch on principle." To Justice Marshall, that was the highest compliment. Bill's accomplishments in the field of civil rights truly are exceptional. He has sought equality under law throughout his legal career. He has brought associations together to accomplish common goals and has never forgotten his life's purpose of advancing the rights of all Americans.

We are honored to present the Thurgood Marshall Award to William L. Taylor.

I thought my colleagues would be interested in the remarks Bill made upon receiving this award. They offer not only a look at how far we have come in this country, but also a challenge to all of us for the future.

REMARKS OF WILLIAM L. TAYLOR ON RECEIVING THE FIRST THURGOOD MARSHALL AWARD

This is an award I will cherish, not only because it is the Thurgood Marshall award, but because it is given by the District of Columbia Bar.

When I was a law student eons ago, I had no real notion of what kind of guild I was preparing to join. But in my dreams, I'm sure it was something like what the D.C. Bar has turned out to be: a group concerned not mainly about getting and spending, but about the role of law in achieving a just society; a group striving to define and enforce high ethical standards for the profession; a group troubled by the vast inequities in the distribution of legal services, that seeks both to encourage the kind of extraordinary *pro bono* work that has been recognized tonight and that also seeks broader solutions; a group that values and encourages public service.

In addition to all of this, at a time when American society is deeply divided at all levels, the D.C. Bar is a rare example of men and women, blacks and whites and Latinos, and Asians working harmoniously to achieve common objectives.

I cannot tell you what it means to me to receive the first Thurgood Marshall award conferred by the Bar. I have said and I truly believe that my legal education did not really begin until I went to work for Thurgood Marshall and the NAACP Legal Defense Fund in December 1954, six months after I got out of law school. It was an extraordinary experience to sit around a table with Thurgood and Bob Carter, William Hastie and Bill Coleman, Connie Motley and Jim Nabrit, Charles Black and Bob Ming and Spottwood Robinson and so many others as they grappled with the many problems and issues that arose in the wake of the Supreme Court's decision in *Brown v. Board of Education*.

It was extraordinary also to see how Thurgood could cull from those disorganized and sometimes raucous sessions the two or three key points that he would use to good effect in a brief or oral argument. He had the gift of all great advocates of being able to reduce complex legal propositions to direct and simple arguments that appealed to the hearts and minds of those who sat in judgment.

My tenure with the Legal Defense Fund (LDF) was not only the beginning of my legal education, but also the real beginning of my education about life in this country. [There is a book about the Borough of Brooklyn in the 1940s and 50s titled "When Brooklyn Was the World," but I discovered there were some things about the world that were not readily learned in Brooklyn]. Working in one area—even civil rights—for almost 40 years may sound like a narrow experience, but I have found that is not true. For Civil Rights work opens a window on the world. To do it well you must learn about the functioning of the major institutions of American society—about the political process, about public education, about corporations and trade unions and so on. And so I have had the opportunity not only for a very long running continuing legal education course but for a broader course in American government, American culture, economics, psychology and sociology.

That education has continued through the years. When I came to the District of Columbia (D.C.) in 1959, I learned about legislative advocacy from Joe Rauh and Clarence Mitchell, about coalition—building from Roy Wilkins, Arnie Aronson and Bayard Rustin,

about politics from Louis Martin. And I continue to learn.

So, you may ask, if I have had all these wonderful teachers over the years, what is it that I have learned. Allow me to make a couple of points pertinent to the occasion:

(1) I have learned that law is central to the issue of discrimination in this nation. Thurgood Marshall talked in 1987 about the "striking role" the legal principles have played throughout America's history in determining the condition of Negroes:

"They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and finally they have begun to win equality by law."

While law may be central, I have also learned that the contribution that lawyers make to social change and progress is a modest one. We may not know it, but we work mainly at the margins and indirectly. It is not we lawyers who empower our clients, but they who empower themselves through the use of the legal and political system in which we are mere agents. Knowing this, we should devote our attention not merely to litigation but to other tools of communication and community action that will assist in this effort.

(2) I have learned that discrimination is perhaps the greatest paradox in American life. Over the past 30 years, we have witnessed some astonishing changes in the status of minorities, women and disabled people changes that I believe are irreversible. New opportunities have been created for millions and old stereotypes have been banished. And yet discrimination lurks just beneath the surface, almost every place—from Denny's restaurant to our favorite neighborhood banker in D.C., from Miami to Los Angeles to Bensonhurst and Crown Heights in Brooklyn.

Perhaps the only constant is struggle. As Frederick Douglass said, "If there is no struggle, there is no progress." It is hard for me to foresee the day when that will not be the case.

(3) I have learned that in tough times—and the tough times of the last 12 years have not completely ended—there is a tendency on the part of constituency groups in the civil rights movement to go their own way, to define their interests narrowly and to pursue them separately.

There is even a tendency among some, fortunately not very many, to rank order types of discrimination—to say, for example, that race discrimination deserves more attention than discrimination based on ethnicity or language, or that sex discrimination is of more concern than discrimination against people with disabilities, or that the time has not yet arrived to confront discrimination against gays and lesbians.

I submit that separatist talk or action does little honor to the memory of Thurgood Marshall. Thurgood knew that discrimination in this society was of a piece and he hated injustice of every kind. And he acted on this knowledge in his votes and opinions in cases involving discrimination against poor people, and discrimination on the basis of ethnicity, age, sex and disability.

Moreover, whatever the stresses and strains that provoke it, I believe that separatism in old forms or new is against our self-interest. The new immigration and increasing diversity confront us with racial and ethnic tensions that threaten the domestic tranquility of the nation. If we do not find ways to make common cause, everyone will be a loser.

(4) Finally, I have learned that in this country we have a seemingly infinite capac-

ity to rationalize our failures to deal with discrimination. Within a very few years, I expect that one form of tribute to Justice Marshall will be the establishment of Thurgood Marshall elementary or high schools in almost every part of the nation. Unfortunately, it is entirely predictable that these will be segregated schools attended almost exclusively by children who are black and poor. Many of the children will start school without any attention to their health and nutritional problems, without adequate family support, and in environments of violence and despair. The schools themselves will be stripped of the resources, including teaching resources, that we know are needed for children to succeed—because Thurgood's view in *San Antonio v. Rodriguez* did not prevail. They will be stratified by race and economic status because Thurgood's view in *Milliken v. Bradley* did not prevail. Instead of developing the potential of young people, the renamed Thurgood Marshall schools will be what they have always been—dead end streets for children.

Thurgood had a fine sense of irony as well as a great sense of humor—but the irony here would be bitter, as it should be for all of us.

I would say that if there is one test we should devise for the Clinton administration and for ourselves as well, it is whether we can mold the education and civil rights policy of the nation in ways that will make the Thurgood Marshall schools of the future places of opportunity for minority and poor children throughout the country. If it can meet this test, we should count the Administration a success even if it achieves little else. But if the Administration fails to provide a helping hand to children who need it the most, it is hard for me to think what else would redeem it.

My friend Ralph Neas likes to assess what the odds of succeeding are whenever we begin a difficult legislative endeavor and he is usually accurate. Given the economic situation and the divisions that exist in the country, the odds on the proposition I have put to you are very long indeed. But when Thurgood Marshall and his mentor Charles Houston set out to break down the walls of separation created by *Plessy*, they had no model to follow and no objective reason to believe that they had any real prospect of succeeding.

In contrast we have the Marshall-Houston model to follow, and therefore, whatever the odds, we have the obligation to continue the struggle.

GARY KLECK DEBUNKS GUN CONTROL MYTHS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. ROTH. Mr. Speaker, in the great debate on gun control, both sides like to trot out their latest study that proves beyond a shadow of a doubt, that their's is the right position. Problem is, many of these studies are not as academic as they are political. There are some, however, that bear closer scrutiny. Criminologist and Prof. Gary Kleck has done work of this sort. His most ambitious work is discussed in an interview with Michael Browning for the Knight-Ridder newspapers. I ask that the text of that interview appear in the RECORD, as I encourage my colleagues to read it.

[From the Macon Telegraph, Aug. 19, 1993]

PROFESSOR ON FIRING LINE OVER BOOK ON GUN CONTROL

(By Michael Browning)

TALLAHASSEE, Fla.—Gary Kleck never set out to become the academic darling of the National Rifle Association. That is a wholly unlooked for by-product of his research on guns in America.

"I am treated as hero by people with whom I have absolutely nothing in common," said the slender professor of criminology at Florida State University. "I'm a stereotypical liberal. I belong to the ACLU (American Civil Liberties Union), Common Cause, several environmental groups. I am a paying member of the Democratic party."

But Kleck, 42, is also the author of a controversial book, "Point Blank: Guns and Violence in America," whose conclusions challenge much of the accepted wisdom about gun use and abuse in the United States, as well as undermining many of the strongest arguments for gun control.

Through 512 pages of statistical research, tables and footnotes, Kleck makes the case that guns are twice as likely to be used defensively as aggressively; that they thwart crime far more often than they abet it; that their availability has little or no impact on provoking violence; they are far more likely to be owned by law-abiding citizens than by criminals; that banning certain classes of guns, such as handguns or automatic weapons, is futile; and that guns serve a useful purpose in protecting a large, non-violent majority of "victims" from a violent minority of criminals.

"There is a very simple symmetry to it: If a robber has a gun, he is likely to succeed at robbing you. If a victim has a gun, he is likely to succeed in scaring away a robber," says Kleck.

Kleck favors gun control but says since current schemes for gun control are silly, unrealistic and unworkable, given the fact that there are about 200 million guns in the United States now, and that 45 percent of all American households have one or more of them.

Instead of targeting certain types of guns—handguns, "Saturday Night Specials," assault rifles and so on—and attempting to drive them out of circulation, Kleck says we should target certain types of people—those with criminal records, those who are mentally disturbed, those with a high potential for violence—and deny them all guns, any type of gun, long or short, fast or slow, by means of rigorous background checks and stiff penalties for obtaining weapons illegally.

"I regard the NRA's knee-jerk response to gun-control proposals—get tough on criminals, build more jails—as even dumber than the gun-control lobby's agenda. It is like the NRA is playing poker with the gun control lobby and saying I'll call your stupidity and raise you one."

The propounder of these outrageous opinions is a dark-bearded man whose hair is tinged with gray, who lives in a quiet home on Tallahassee's northeast side, with his wife, Diane and his two children, Matthew and Tessa. His manner is cool, reasonable. He cites statistics, his own and those of 13 related surveys, to back up his conclusions. "I don't want to claim any great originality here. I am just replicating with better research what had already been found with less sophisticated research. Self-defense uses of weapons are far more common than is widely known."

His controversial book costs \$60 and scarcely 10,000 copies have been printed for

the scholar and library market, so it isn't likely to reach a mass audience.

He refuses to say whether his research has led him to buy a gun for his own protection.

"That is an ad hominem question," he replies. "My standard response is: 'I don't tell people.'"

But the professor acknowledges: "I did not grow up with guns. In my whole childhood I only knew of one person who had a gun. I grew up in the suburbs of Chicago. I think I may have had a coonskin cap for the Davy Crockett craze. Maybe I had a cap pistol. But I had no experience with real guns as a child."

His book has stirred a lively debate in some academic circles. His opponents say Kleck's research looks impressive, but some of it is based on flimsy foundations and flawed surveys, and that he has therefore leaped to conclusions.

"The evidence he cites tends to be evidence that supports his position. Some of this evidence is very flimsy, in my opinion, and he makes far too much of it," said David McDowall, a professor of criminal justice at the University of Maryland.

In fact Kleck says he was somewhat surprised at the results of his research.

"Before I undertook this study I had all the normal preconceptions. I was a pro-control academic. I believed instinctively that people should not have guns," he says.

"But I learned that those reactions were based on very shallow research. No one really knew much about this question until the mid-1970s.

"Gradually I came to see that the best available evidence did not support the case that is usually made for gun control: that guns automatically lead to violence.

"I learned that the subgroups of the population who owned the most guns—the old and the wealthy—demonstrated the least violence; while the subgroups of the population who were least likely to own guns, the young and the poor, tended to be the most violent."

"In fact the net effect of gun availability on (provoking) violence is zero," Kleck maintains. He means that while guns may incite some aggressive behavior when in the hands of a criminal, they also tend to deter it when in the hands of a victim. So the two tendencies cancel each other out, statistically speaking.

Over and over again in conversation, Kleck uses the word "victim." Victims, by his definition, are innocent, passive targets of violence aimed at their persons or property. Victims don't initiate, provoke or deserve violence. But, Kleck says, they get it anyway.

Most people in America, at least once in their lives, are going to become the victim of a violent act. It may not be a shooting or a stabbing. It may be a fight or a threat. But the fact is, most of us will be a victim.

"On the other hand, most of us will probably never initiate a violent act. The fact is, 5 percent of the population is committing 50 percent of the crimes in America.

"So there is only a tiny segment of the population doing the violence, while there is a huge segment of the population on the receiving end of violence."

Here again, Kleck draws fire from his critics: "He tends to break the whole population down into two neat categories: Victims and aggressors," McDowall said, "I think in many assaults it is very difficult to tell who is the victim and who is the aggressor."

Kleck's most controversial finding, the one that has most endeared him to the NRA, is this: The number of times guns are used defensively is probably twice as great as the number of times they are used criminally.

"All my statistics indicate that there are at least 600,000 cases a year of guns being used criminally, both reported and unreported cases. But: The number of instances in which guns are used defensively is on the order of 1.2 million times a year."

Here again, however, Kleck's critics have attacked his research. "The National Crime Survey, a survey conducted by the government, indicated that guns are used defensively only 60-65,000 times each year," McDowall said. "There is a huge discrepancy between Kleck's figures and these figures."

Kleck defends his research as sound. "We called up 4,977 households scattered throughout the 48 contiguous states. The telephone numbers were randomly generated by a computer. We took all response in confidence, and made sure that the times when a gun was used was against a person, not against a rattlesnake or some animal. We were measuring cases of guns being used against people who were committing criminal acts," he said.

"What I found was that 4.3 percent of U.S. households had definitely used a gun against another person in the past five years.

"Therefore," says Kleck, "I do not share the belief that there is no defensive value whatever to guns. All I am saying is that guns have a defensive value that can be statistically demonstrated.

"Now what you do when you are confronted with these statistics is up to you. Maybe you decide you don't want a gun in the house no matter what, because it is too much worry. Fine. I am not advising anybody to have a gun, or not have a gun.

"I just point out that if you are a victim with a gun you are likely to be successful in defending yourself from a criminal attack. You are less likely to get hurt if you have a gun. That is not my opinion. That is a statistical fact."

HONORING JUSTICE THURGOOD MARSHALL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to thank you for giving me the opportunity to make a special tribute to a great leader in our country who is sadly missed. I would also like to thank my colleague, Congressman RANGEL for calling this special order today.

I think this tribute is a day for us all to reflect on the life of a man, who until his death at the age of 84, fought for the rights of people of color, the underprivileged, and many others who could not speak for themselves.

From the very beginning, Justice Marshall emerged as a true leader. After graduation from Howard University School of Law at the head of his class in 1933, Justice Marshall began a long and historic involvement with the National Association for the Advancement of Colored People [NAACP]. In 1940, he became head of the newly formed NAACP Legal Defense and Education Fund, a position he held for over 20 years. The fact that the NAACP Legal Defense Fund is still carrying on the work that Justice Marshall initiated over 50 years ago is a true testament to the man and the organization.

Most of us are aware of Justice Marshall's efforts in the landmark Supreme Court decision, *Brown versus Board of Education* in 1954. Justice Marshall convincingly argued that segregation in public schools is unconstitutional. His determined efforts served as a springboard to champion several other causes during that era.

After his appointment to the Supreme Court by President Johnson, Justice Marshall worked harder than ever to uphold the civil rights stance. The Court opinions he wrote while serving on the Supreme Court are still studied and admired by leading jurists and legal scholars worldwide.

The birth of Justice Marshall on July 2, 1908, has a special significance for me. Every year I sponsor a resolution designating July 2 as National Literacy Day. This resolution seeks to bring attention to the plight of well over 30 million adults who cannot read and over 42 million Americans who lack the basic skills necessary to function in this society.

The designation of National Literacy Day recognizes the plight of the many illiterate Americans in this country—the very same people that Justice Marshall spent his entire life fighting for—the voices of those who are unable or cannot speak for themselves.

Justice Thurgood Marshall's legacy will continue to live on in this country. As many of us here realize today that without Justice Marshall, the whole civil rights movement and the legal enfranchisement of African-Americans might not have happened when it did. The pivotal point of *Brown versus Board of Education* in history and the commencement of the civil rights movement several years later, changed the lives of millions of Americans.

Justice Marshall is someone many of us will never forget. Thank you again, Mr. Speaker, for this opportunity.

INJUSTICE AND DISCRIMINATION ARE ALIVE AND WELL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. DEUTSCH. Mr. Speaker, I rise today with great disappointment to note the injustice and discrimination that the U.S. House has voted to perpetuate by failing to strike the Senate's codification of the ban on gays and lesbians in the military. I strongly oppose today's action and am proud to have supported the Meehan amendment to the Defense authorization bill striking the codification.

Military personnel decisions, normally and rightfully, originate with the Commander in Chief of the Armed Forces. It is inexcusable that Congress would go beyond its normal parameters to legislate a measure that clearly discriminates against gays and lesbians. In addition, the legislative codification of the don't-ask, don't-tell, don't-pursue policy placed in the Defense authorization bill goes beyond the administration's policy.

By today's failure, Congress has sought to invalidate the faithful and heroic service by thousands of gays and lesbians in the U.S. Armed Forces. The assertion that homosexuality is incompatible with military service

has already been proven to be groundless. A Rand Corp. study commissioned by the Pentagon concluded: "Gays pose no health, behavioral, disciplinary, morale, or other problem that good leadership can't easily handle."

The United States would do better to expend its energy on areas where there are already existing problems in the military, rather than create issues for dissension.

REMARKS MADE BY THE DISTINGUISHED RANKING MEMBER OF THE HOUSE FOREIGN AFFAIRS COMMITTEE, CONGRESSMAN BEN GILMAN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GOODLING. Mr. Speaker, last Thursday, September 23, 1993, the distinguished ranking member of the House Foreign Affairs Committee, Congressman BEN GILMAN, addressed the Ukrainian Congress Committee of America and the Ukrainian-American Coordinating Council in commemoration of the second anniversary of the independence of Ukraine.

As senior members of the Foreign Affairs Committee, the Congressman and I share a great interest in ensuring the enhancement of United States-Ukraine relations through a multitude of means. Congressman GILMAN recognizes the importance of this relationship and continues to pursue an intelligent United States foreign policy concerning Ukraine as consistent with United States interests. I submit his prominent remarks for the review of my colleagues.

STATEMENT OF CONGRESSMAN BENJAMIN A. GILMAN

Ladies and gentlemen, I am very pleased to join with you all today in celebrating the second anniversary of the independence of the great nation of Ukraine. For those Americans of Ukrainian extraction—as well as those of us who have long had an interest in the welfare and prosperity of the Ukrainian people—this is truly a great occasion.

Anyone familiar with the long history of Ukraine knows how very important independence is to that nation. It has indeed been the dream of Ukrainians over the many long centuries when that country suffered under the rule of other, neighboring states.

In this century, that suffering took the Ukrainian people to the depths of human existence—when millions died of starvation in Joseph Stalin's artificial famine and countless others suffered and died in prison camps at the hands of the soviet communist government. The Ukrainian people's aspiration for independence could not be extinguished even by the severity and cruelty of such efforts. In fact, that desire only grew stronger, leading finally to the day of August 24, 1991, when the dream of independence became a reality.

Today, Ukraine, like the other newly-liberated states around it, faces a new and daunting task: How to consolidate its independence as it struggles to throw off the vestiges of the old communist political and economic system. As we all know, this is truly a tremendous challenge—one that we here in America have never had to confront.

Indeed, it may not be possible to quickly uproot those vestiges of communism or the tentacles of the old soviet economic system, but, despite their presence and the difficulties they present, the struggle against them must be undertaken and the transition to democracy and economic prosperity achieved.

Ladies and gentlemen, it is clear that for Ukraine, as for Belarus, the Baltic States, and the many other newly-independent states of the region, independence must have a strong economic foundation as well as a political one. I believe that the American people are willing to help Ukraine build that foundation with the technical assistance, humanitarian aid, volunteers, and other support that can make a real difference. I also believe that the United States will continue to help Ukraine build a strong political foundation as well, not just by providing such economic aid, but by extending the equally-important diplomatic support that is needed to help Ukraine and its neighbors arrive at peaceful solutions to any disputes they may have.

I hope that these will be but the first steps in a long-lasting and strong relationship of trust, cooperation, and friendship between the American and Ukrainian peoples. Today, as we celebrate the second anniversary of the independence of Ukraine, let us all look forward to the peace and prosperity of a newly-reborn Ukraine and the growth and strengthening of the ties between our two great countries.

Thank you.

CAMPAIGN FINANCE REFORM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. NADLER. Mr. Speaker, reform of the system by which congressional campaigns are financed is one of the most important tasks before us in this Congress. I believe it is essential if we are to break the grip of special interests on our political system and to promote elections as a forum for the competition of ideas.

There are certain important provisions which I believe should be included in any campaign finance reform package if real change is to result. I strongly support limitations on campaign contributions from political action committees [PAC's] and some form of public financing. That public financing must be tied to a candidate's acceptance of a cap on total spending, and a limitation on the amount that may be contributed by a candidate or members of his or her family. Moreover, the use of so-called soft money that evades contribution limitations must be curbed.

I have been disappointed to hear statements by some of my congressional colleagues expressing doubt over whether there is sufficient support in the House to pass a bill with public financing, as I believe public financing is an indispensable element of any serious reform of campaign finance. I think the experience we have had with public financing of Presidential campaigns—at least before the massive exploitation of the soft money loophole—and, in New York City, with campaigns for municipal office, proves that such a system can work, and can enjoy public support.

I support such options as the creation of communications vouchers, subsidizing mail costs, or other means of providing public subsidy of the cost of campaigns. I am also open to paying for public financing by increasing the voluntary \$1 checkoff on individual tax returns to \$5.

If some of our constituents object to the cost of public financing, viewing it as welfare for politicians, I believe we must share with them our understanding of the costs of the present system, which gives disproportionate influence to moneyed interests. I am willing to undertake that task with my constituents. I hope my colleagues will do likewise.

UNDERSTANDING THE LIMITS OF SUPERPOWER STATUS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. BEREUTER. Mr. Speaker, President Bill Clinton addressed the United Nations today in what could be one of the most important foreign policy addresses that he will deliver. He outlined the long-awaited U.S. policy toward international peacekeeping and U.S. involvement in regional crises.

During this period of global upheaval, it is not surprising that civil war has erupted in 20 or more locations across the globe. Some of these conflicts have become extraordinarily bloody. The United States, as the only remaining superpower, now faces an uninterrupted series of appeals for financial and military support. In some of these trouble spots, it may be in the U.S. interest to become involved. But we have no abiding national interest in many—indeed most—of these conflicts. We must not let our foreign policy be driven by neo-interventionists—most of whom seem never to have served in the military—who want the U.S. military to put an end to all conflict around the world. As a recent editorial in the Omaha World Herald rightly noted, "Noble intentions can lead to unforeseen problems."

In the wake of the President's address to the United Nations, this Member would call colleagues' attention to the Omaha World Herald's editorial of September 24, 1993, entitled "Things a Superpower Can't Do."

THINGS A SUPERPOWER CAN'T DO

Anthony Lake, President Clinton's national security advisor, expressed sensible views on the use of U.S. forces overseas.

"While there will be increasing calls on us to help stem bloodshed and suffering in ethnic conflict and while we will always bring our diplomacy to bear in such conflicts," Lake said, "there will be relatively few intra-national ethnic conflicts that justify our military intervention."

Pictures of suffering children in Bosnia and the sub-Sahara are disheartening. They prompt some people to ask how America can help. Often the answer is to contribute to an international fund drive. But sometimes the pressure builds to send American troops.

Ironically, some of the pressure in recent years has come from liberals who earlier were dovish on the use of force. They approved when President George Bush, after the Persian Gulf war, sent U.S. troops to protect Iraqi Kurds from Saddam Hussein. They

applauded Bush's decision to intervene in Somalia to help feed the hungry. Some people even wanted Clinton to send troops to Bosnia and Haiti—a suggestion that Clinton, wisely, has resisted.

Noble intentions can lead to unforeseen problems. Consider Somalia. The hungry have been fed. But U.S. troops remain stuck in that country as part of a United Nations pacification program—a program that has brought U.S. forces into conflict with civilians who are manipulated by that country's warlords.

America continues to have global responsibilities as the world's sole remaining superpower. Lake properly distanced the administration from what he referred to as "neo-know-nothings" who want the United States to turn its back on the rest of the world. With continuing political instability in the former Soviet Union and with China, among other countries, pushing a nuclear weapons program, America can't afford to sink into isolationism.

But as Lake has pointed out, there are things that even a superpower can't do and shouldn't try. It's reassuring to read that a highly placed administration official is among those recommending restraint.

GENERAL MONTGOMERY DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. GILMAN. Mr. Speaker, I recently had the distinct honor and privilege of attending the annual General Montgomery Day festivities in the village of Montgomery, NY.

The village and surrounding town of Montgomery was named in honor of Gen. Richard Montgomery, an Irish immigrant to our shores who proved to be one of the military heroes and geniuses of our Nation's War for Independence. The annual even celebrating this brave and brilliant patriot were quite impressive. Virtually the entire Montgomery community attended and participated in the festivities this year. The appropriate parade and attire, reminded us all of the struggle which resulted in freedom and liberty for all Americans.

Marc Newman, the grand marshal of this year's village of Montgomery parade and festivities, has written a scholarly review of the life and times of General Montgomery. In order to share this captivating history with my colleagues, I request that this study be inserted in the RECORD at this point:

AN AMERICAN LEGEND: RICHARD MONTGOMERY
(By Marc Newman)

The first national hero of this nation, in its infancy, was General Richard Montgomery. Traveling the highways and byways from Ontario, Canada to Washington D.C., portraits and personal artifacts of this gallant officer of the Continental Army grace such museums as: The Royal Ontario Museum, Montgomery Place, The Yale Art Gallery, The Metropolitan Museum of Art, The Independence National Historic Park and the Armed Forces Division of the National American History Museum. Who was this American hero whose image and deeds have faded from view for many generations, since the American Revolution?

This Irish-American immigrant arrived in New York in 1772. This was not his first ar-

rival to the Province of New York. The son of a landed gentry member of the House of Commons, he saw active service in the French and Indian War. His gallantry in the Hudson River/Lake Champlain campaign and the West Indies campaign brought him promotions from Ensign to Captain of the 17th Foot Regiment. Seeking the life of a country farmer in Kings Bridge (Yonkers), New York, he married Janet Livingston, sister of Robert R. Livingston, signer of the Declaration of Independence. When the storm clouds of war looked imminent, he was chosen Dutchess County representative to the New York Provincial Congress in the summer of 1775. Instrumental in raising three thousand men and one thousand muskets for the defense of Manhattan, he recommended that a strategic line of defense be constructed near the junction of the Albany and Boston Post Roads to repel a British invasion. This would become a reality with the construction of Fort Washington. Montgomery recommended that the "S" channel on the Hudson River be fortified with a series of forts and that a "chain and log boom" be constructed to repulse British ships and transports trying to invade New York and New England. The creation of West Point, Forts Putnam, Wyllys and Webb as well as the "Great Chain and Log Boom" would eventually be constructed five years after his death.

As Brigadier-General of the Northern Army, he devised the tactical plan to attack British fortifications at Forts: St. John and Chambly, as well as the garrisoned cities of Montreal and Quebec. His belief that British forces would invade Lake Champlain and New York City, thus destroying American forces in New York and using the Hudson Valley as a spring-board to invade New England and end the Revolution became the catalyst for such a daring and dangerous enterprise. Ironically, he suffered from as many problems, if not more problems than General Washington, at the siege of Saint John, i.e.: lack of discipline, cold bitter weather, swamp ground, poor communications, typhoid, mutiny, shortage of supplies and men, of which twenty percent of his force were not fit for duty or feigning illness. His success in dealing with these problems and his victories at both forts, resulted in capturing tons of munitions, food and clothing for the Northern Army and the Army of Washington. Although the invasion of Quebec resulted in failure and his own death, the bravery of this general and his men scaling the narrow ice paths along the cliffs of Point Diamond in the worst winter conditions, with no visibility in sight, is a testament to their determination and tenacity. A quality we Americans are very proud to emphasize throughout our history.

It is ironic that when General Richard Montgomery's remains were re-interred, it was actually part of an agreement with the Canadian and British governments, just a few years after the War of 1812. Major John Andre's remains were to be dug-up and sent to England's Westminster Abbey, while General Richard Montgomery's remains were sent to New York City, to be buried beside a monument that was paid for by the Continental Congress in 1776, at a cost of three hundred pounds and under the auspices of Benjamin Franklin. Interesting to note that John Andre was one of the officers who surrendered to Montgomery at Ft. St. John. The news of Montgomery's death brought lamentations of grief to the British and Americans. His close friends in England such as: Edmund Burke and Charles Fox, Whig

leaders of the House of Commons, spoke in grieving oratory of their brave, heroic rebel. Even Lord North, Prime Minister, acknowledged his military genius and bravery. Many articles, ballads and poems on both sides of the Atlantic praised our adopted benefactor of liberty, but Thomas Paine's play involving the Ghost of Montgomery, in 1776 was the most dramatic. This propaganda vehicle proved successful in arguing the cause for public support for the unanimous approval of the Declaration of Independence. Even in death this American Legend: Richard Montgomery, affected the course of the war and the approval of the Declaration of Independence by the American people.

MINING CLAIM HOLDING FEE SHORTFALL

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mrs. VUCANOVICH. Mr. Speaker, I wish to bring to the attention of all Members of the 103d Congress the effects of an action taken in the last Congress. Specifically, I speak of the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1993, Public Law 102-381, wherein Congress mandated a mining claim holding fee of \$100 per claim per year in lieu of the obligation under Federal law to perform assessment work on one's claims.

Proponents of this measure asserted it was a user fee that would generate much needed funds for the Treasury while having little impact on mining activities. They argued only a few mining claims, held for purely speculative reasons, would be dropped because of this new fee. This would be true because the size of the holding fee matches the minimum assessment work requirements of the mining law, anyway, so instead of doing the annual labor as it is known, just send the money to the Government instead.

Well, Mr. Speaker, the data is in, and not unlike the situation with respect to luxury taxes on boats and cars, the affected public has rejected this means of raising revenues. That is, the owners of mining claims on public lands of the Western United States have dropped nearly a million mining claims rather than pay this new fee, which, because of its retrospective effect, was actually a \$200 per claim tax. The Bureau of Land Management now reports it has collected \$53.2 million under this fee, not the \$97.6 million the Office of Management and Budget expected to raise. That's a shortfall of nearly \$45 million from the forecasted revenue stream to the Treasury, or nearly half of the projection. Only a few years ago the Bureau of Land Management reported there were 1.2 million mining claims of record. After this tax, there are now less than 300,000, a threefold decrease.

Upon President Clinton's urging, Congress has acted to extend this mining claim holding fee first advanced by the Bush administration. The recently enacted Omnibus Budget Reconciliation Act of 1993 [OBRA] calls for a similar fee collection from August 31, 1994 through 1998. Unfortunately, these disturbing numbers from the BLM were not available

when this Congress passed OBRA. Otherwise, Members may have seen the folly in extending this fee at this level for 5 years. Clearly, the market has spoken and \$100/claim/year is simply too high to demand of miners and prospectors.

I believe it is indeed fair to require mining claimants pay something for the privilege of holding on to unpatented claims while they investigate those claims for possible mineral development. But, unless our true intent is to stifle mineral activities on the public lands, Congress ought to reconsider the magnitude of the revenues raised by this tax versus the cost of diminished assessment work activity and the economic impacts of such labor on rural communities of the West.

Mr. Speaker, the real losers under this high holding fee are the drillers, heavy equipment operators, geologists, and others who make their living in this industry. They have suffered, and will continue to, because of this heavy tax. There is only so much money available for exploration of our Nation's mineral deposits, albeit that amount may rise and fall with expectations of mineral prices. If the Federal Government demands a large proportion of those funds as a holding fee then the exploration and development activities that would otherwise be carried out must shrink by a proportional amount.

Some in Congress have called hardrock mining on the public lands a subsidy by the taxpayers. Now the truth can be told. The administration's budget asked for about \$17 million annually to administer the mining law on the public lands. Yet this fee collected over \$53 million, in addition to the approximately \$5 million already collected from claimants under existing fees. As such, mining claimants in fiscal year 1993 will have provided over \$41 million more than the BLM said it needed to regulate this industry. So, yes, there is indeed a subsidy, but it is by our domestic mining industry to other Department of the Interior programs.

THE HOME EQUITY PROTECTION ACT OF 1993

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1993

Mr. KENNEDY. Mr. Speaker, in early February of this year, the House Banking Subcommittee on Consumer Credit and Insurance, which I have the privilege to Chair, heard testimony that profoundly moved each Member present. In dramatic detail, we heard now for some fortunate enough to have built up equity in their homes, the American Dream became the American Nightmare. Certain scam-artist lenders, working on the fringe of the marketplace—and the law—now snatch homes out from under their rightful owners.

Here is how the home equity scam worked in my hometown of Boston: Mortgage companies, often backed by prestigious mainstream lenders, worked with fly-by-night home improvement outfits. They did their homework, finding people with the highest home equity in the neighborhoods least-served by more con-

ventional lenders. They then targeted middle-aged or elderly persons who had worked hard to achieve some equity in their homes. To finance repairs, those individuals contracted for loans on terms near impossible to meet: Sky-high rates, hidden fees and costs, and balloon payments on the near horizon. For the homeowner, failure to meet the loan terms meant the loss of their home, and the sudden end to a secure life. That bitter prospect was a bonanza for the lender, who took the home and sold it for a profit.

The Home Equity Protection Act of 1993, which I introduce today along with the chairman of the full Banking Committee, Mr. GONZALEZ, Mr. MOAKLEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. FLAKE, Ms. WATERS, Mr. HINCHY, Mr. KLEIN, Mr. WATT, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. WYNN, Ms. BROWN of Florida, Mr. FILNER, Mr. HAMBURG, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. COYNE, Mr. LEWIS of Georgia, Mr. CLAY, Mr. LANTOS, and Mr. DEFAZIO addresses this shameful situation. While it does not prohibit high-cost mortgages from being made, nor limit the compensation a lender can receive from a loan, it does require certain disclosure provisions, and prohibit abusive practices.

Specifically, this bill amends the Truth-in-Lending-Act to define a class of mortgage loans as "high-cost mortgages." Lenders making these loans would have to disclose to the consumer additional information, including the following in conspicuous typeface:

If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.

Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan."

The measure mandates a 3-day cooling off period between the newly required disclosures and the settlement.

Certain abusive practices would be prohibited for high cost mortgages, including negative amortization, balloon payments and use of loan proceeds for substantial advance payment of principal and interest. If the original lender fails to comply with the requirements of the bill, and then sells the mortgage to a third party, a consumer may raise claims against the new holder of the mortgage. The measure would amend current law to allow States to impose limits on the interest, fees, and other terms of nonpurchase money first loans. Civil penalties included in the bill include payment of all finance charges and fees.

I urge my colleagues to join me in cosponsoring this measure. At this point, I would like to insert in the RECORD a copy of the bill, and a section-by-section description:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home Equity Protection Act of 1993".

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES.

(a) DEFINITION.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding after subsection (z) the following new subsection:

"(aa) The term 'high cost mortgage' means a consumer credit transaction, other than a residential mortgage transaction, that is secured by a consumer's principal dwelling and that satisfies at least 1 of the following conditions:

"(1) The annual percentage rate at consummation of the transaction will exceed by more than 10 percentage points the rate of interest on obligations of the United States having a period of maturity of 1 year on the fifteenth day of the month before such consummation.

"(2) All points and fees payable by the consumer at or before closing will exceed the greater of—

"(A) 8 percent of the amount financed, minus fees and points; or

"(B) \$400."

"(b) MATERIAL DISCLOSURES.—Section 103(u) of the Truth in Lending Act (15 U.S.C. 1602(u)) is amended—

"(1) by striking "and the due dates" and inserting "the due dates"; and

"(2) by inserting before the period "and the disclosures for high cost mortgages required by section 129(a))".

(c) DEFINITION OF CREDITOR CLARIFIED.—Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end the following: "Any person who originates 2 or more high cost mortgages in any 12-month period or any persons who originates 1 or more high cost mortgages through a loan broker shall be considered to be a creditor for purposes of section 129."

(d) DISCLOSURES REQUIRED AND CERTAIN TERMS PROHIBITED.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 128 the following new section:

"SEC. 129. REQUIREMENTS FOR HIGH COST MORTGAGES.

"(a) DISCLOSURES.—In addition to any other disclosures required under this title, for each high cost mortgage, the creditor shall provide the following written disclosures in clear language and in conspicuous type size and format, segregated from other information as a separate document:

"(1) The following statement: 'If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan.'

"(2) The initial annual percentage rate.

"(3) The consumer's gross monthly cash income, as verified by the creditor, the total initial monthly payment, and the amount of funds that will remain to meet other obligations of the consumer.

"(4) In the case of a variable rate loan, a statement that the annual percentage rate and the interest rate could increase, and the maximum interest rate and payment.

"(5) In the case of a variable rate loan with an initial annual percentage rate that is different than the one which would be applied using the contract index after the initial period, a statement of the period of time the initial rate will be in effect, and the rate or rates that will go into effect after the initial period is over, assuming that current interest rates prevail.

"(6) A statement that the consumer is not required to complete the transaction merely because he or she has received disclosures or signed a long application.

"(7) A statement as follows: 'Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan.'

"(b) TIME OF DISCLOSURES.—The disclosures required by this section shall be given

no later than 3 business days prior to consummation of the transaction. A creditor may not change the terms of the loan after providing the disclosures required by this section.

"(c) NO PREPAYMENT PENALTY.—

"(1) IN GENERAL.—A high cost mortgage may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal prior to the date on which such principal is due. If the date of maturity of the high cost mortgage is accelerated for any reason, the consumer is entitled to a rebate that complies with paragraph (2). No high cost mortgage shall provide for a default interest rate that is higher than the interest rate provided by the note for a performing loan.

"(2) REBATE COMPUTATION.—For purposes of this subsection, any method of computing rebates of a finance charge less favorable to the consumer than the actuarial method using simple interest is a prepayment penalty.

"(3) CERTAIN OTHER FEES PROHIBITED.—An agreement to refinance a high cost mortgage by the same creditor or an affiliate of the creditor may not require the consumer to pay points, discount fees, or prepaid finance charges on the portion of the loan refinanced. For the purpose of this paragraph, the term 'affiliate' has the same meaning as it does in section 2(k) of the Bank Holding Company Act of 1956.

"(d) NO BALLOON PAYMENTS.—A high cost mortgage may not include terms under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal balance.

"(e) NO NEGATIVE AMORTIZATION.—A high cost mortgage may not include terms under which the outstanding principal balance will increase over the course of the loan.

"(f) NO PREPAID PAYMENTS.—A high cost mortgage may not include terms under which more than 2 periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the consumer.

"(g) UNFAIR, DECEPTIVE, OR EVASIVE ACTS PROHIBITED.—Creditors of contracts governed by this section shall not commit, in the making, servicing, or collecting of a high cost mortgage any act or practice which is unfair or deceptive, including any of the following:

"(1) Entering into a home equity loan if there is no reasonable probability that the homeowner will be able to make payments according to the terms of the loan.

"(2) Taking advantage of the borrower's infirmities, lack of education or sophistication, or language skills, necessary to understand fully the terms of the transaction.

"(3) Refinancing other loans owned by the homeowner which had not been accelerated by reason of default of the homeowner prior to the application for the home equity loan, unless the new loan is at a lower interest rate or has lower monthly payments.

"(4) Financing a mortgage broker's commission, unless the borrower entered into a separate written contract with the broker prior to the date of application for the home equity loan, which stated the dollar amount of the commission, and which was provided to the borrower prior to the application.

"(5) Taking action or interfering with any other consumer protection laws or regulation designed to protect the homeowner.

"(6) Assisting in the falsification of information on the application for a home equity loan.

"(7) Disbursing to a home improvement contractor more than 80 percent of funds due

under a home improvement contract which exceeds \$10,000, before the completion of the work due under the home improvement contract, or making any disbursement for a home improvement contract in a form other than an instrument jointly payable to the borrower and the contractor.

"(8)(A) Engaging in any other unfair, deceptive, or unconscionable conduct which creates a likelihood of confusion or misunderstanding.

"(B) Any attempt to evade the provisions of this section by any device, subterfuge, or pretense whatsoever is deemed to be unfair conduct under this paragraph.

"(h) RIGHT OF RESCISSION.—For the purpose of section 125, any contract with provisions prohibited by this section is deemed to not include material disclosures required under this title. Any provision in a high cost mortgage which violates section 125 shall not be enforceable."

SEC. 3. STATE AUTHORITY TO REGULATE HIGH RATE MORTGAGE LOANS.

The authority of States to establish limitations on the interest, fees, and other terms of a first mortgage which—

(1) is secured by a first lien on residential real property; and

(2) is not used to finance the acquisition of that property;

is not preempted by section 501 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f-7a) or the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.).

SEC. 4. CIVIL LIABILITY.

(a) DAMAGES.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) by striking "and" at the end of paragraph (2)(B);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) In case of a failure to comply with any requirement under section 129, all finance charges and fees."

(b) STATE ATTORNEY GENERAL ENFORCEMENT.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by adding at the end the following: "An action to enforce a violation of section 129 may also be brought by the appropriate State attorney general in a court of competent jurisdiction, within 5 years after the date on which the violation occurs."

(c) ASSIGNEE LIABILITY.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following new subsection:

"(d) HIGH COST MORTGAGES.—

"(1) IN GENERAL.—In addition to any other liability imposed under this title, any person who purchases or is otherwise assigned a high cost mortgage shall be subject to all claims and defenses with respect to the mortgage that the consumer could assert against the creditor of the mortgage.

"(2) DAMAGES.—Relief under this subsection shall be limited to the sum of—

"(A) an offset of all remaining indebtedness; and

"(B) the total amount paid by the consumer in connection with the transaction.

"(3) NOTICE.—Any person who sells or otherwise assigns a high cost mortgage shall include a prominent notice of the potential liability under this subsection as determined by the Board."

SEC. 5. EFFECTIVE DATE.

This Act shall be effective 60 days after the promulgation of regulations by the Board of

Governors of the Federal Reserve System, which shall occur not later than 180 days following the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "The Home Equity Protection Act of 1993."

SEC. 2. CONSUMER PROTECTIONS FOR HIGH COST MORTGAGES

Subsection (a) defines a "high cost mortgage" under the Truth in Lending Act (15 U.S.C. 1602) as a consumer credit transaction, other than a residential mortgage transaction, secured by the consumer's principal dwelling, that meets at least one of these conditions: (1) the Annual Percentage Rate (APR) exceeds the rate of interest on a one-year Treasury obligation by more than 10 percentage points; (2) Points and fees paid by the consumer exceeds the greater of: (a) 8 per cent of the amount financed, minus fees and points; or, (b) \$400.

Subsection (b) amends the material disclosure provision of the Truth in Lending Act (15 U.S.C. 1602(u)) to include disclosures required under new section 129 (a).

Subsection (c) amends the Truth in Lending Act creditor definition (15 U.S.C. 1602 (f)) to include a person who originates 2 or more high cost mortgages annually, or a person who originates one or more high cost mortgages through a broker.

Subsection (d) amends the disclosure provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq.) by adding a new section:

SECTION 129: REQUIREMENTS FOR HIGH COST MORTGAGES

Subsection (a) provides that in addition to other Truth in Lending disclosure requirements, creditors shall provide for each high cost mortgage, in conspicuous type size and in a separate document: (1) the statement: "If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan"; (2) the initial APR; (3) the consumer's gross monthly cash income, as verified by the creditor, total initial monthly payment, and amount of consumer funds which remain to meet other obligations; (4) for variable rate loans, a statement that the APR and monthly payment could increase, and the maximum interest rate and payment; (5) for variable rate loans with an initial APR which differs from one which will later apply, a statement of the period of time the initial interest rate will be in effect, and the rate or rates which will be effective after the initial period, assuming current interest rates prevail; (6) a statement that the consumer is not required to complete the transaction because he or she has received disclosures or signed an application; (7) the statement: received disclosures or signed an application; (7) the statement: "Under Federal law, this is a high cost mortgage. You may be able to obtain a less expensive loan."

Subsection (b) requires disclosure no later than three days prior to transaction consummation. The creditor may not change loan terms after providing disclosure.

Subsection (c)(1) provides that, in general, a high cost mortgage may not include terms which provide for a prepayment penalty. If the maturity date of the mortgage is accelerated, the consumer is entitled to a rebate. A default interest rate higher than the interest rate for a performing loan is prohibited. Subsection (c)(2) provides any method used to compute finance charge rebates that is less favorable than the actuarial method using

simple interest shall be deemed a prepayment penalty. Subsection (c)(3) provides that high cost mortgage refinancing agreements by the same creditor or affiliate may not require the consumer to pay points, discount fees or refinancing charges.

Subsection (d) prohibits the use of balloon payment terms for high cost mortgages.

Subsection (e) prohibits the use of negative amortization terms for high cost mortgages.

Subsection (f) prohibits the terms under which more than 2 periodic payments are consolidated and paid in advance from loan proceeds provided to the consumer.

Subsection (g) prohibits certain unfair, deceptive or evasive acts by creditors in the making, servicing or collecting of a high cost mortgage, including: (1) entering into a home equity loan if there is no reasonable possibility the homeowner will be able to make payments as required; (2) taking advantage of a borrower's infirmities, lack of education or sophistication, or language skills, necessary to understand transaction terms; (3) refinancing other loans owed by the homeowner, which are not in default prior to application for the home equity loan, unless the new loan has a lower interest rate or lower monthly payments; (4) financing a mortgage broker's commission, without a separate written contract between the borrower and the broker entered into be-

fore the date of loan application; (5) interfering with any other consumer protection laws designed to protect the homeowner; (6) assisting in the falsifying of information on a home equity loan application; (7) For home improvement contracts which exceed \$10,000, disbursing more than 80 percent of funds due before completion of work, or making such disbursement in a form other than one jointly payable to the borrower and the contractor; (8)(A) provides that engaging in any other unfair, deceptive or unconscionable conduct which creates likelihood of confusion or misunderstanding; (8)(B) provides that any attempt to evade provisions of this section is deemed to be unfair conduct.

Subsection (h) provides that for the purposes of Section 125 (15 U.S.C. 1635) of the Truth in Lending Act (Right of rescission as to certain transactions), any contract which includes provisions prohibited under this section shall be deemed not to include required material disclosures, and such provision shall not be enforceable.

SEC. 3. STATE AUTHORITY TO REGULATE HIGH RATE MORTGAGE LOANS

Provides that the authority of states to set limitations on interest, fees and other terms of a non-purchase money first mortgage is not pre-empted by the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1735f-7a) or the Alter-

native Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.).

SEC. 4. CIVIL LIABILITY

Subsection (a) amends the Truth in Lending Act civil liability provision (15 U.S.C. 1540(a)) to provide that failure to comply with new section 129 makes a creditor liable for all finance charges and paid by the consumer.

Subsection (b) amends the Truth in Lending Act civil liability provision to allow an appropriate State attorney general to bring an action to enforce a violation of new section 129 within five years after the date of violation.

Subsection (c) adds a new provision to the Truth in Lending Act liability of assignees provision to require that if a creditor fails to comply with requirements of new section 129 regarding any high cost mortgage, any assignee of the creditor shall be subject to all claims and defenses the consumer could use against the creditor. Recovery is limited to the total amount paid by the consumer in connection with the transaction.

SEC. 5. EFFECTIVE DATE

Provides that the Act becomes effective 60 days after regulations are issued by the Federal Reserve, which shall occur no later than 180 days following enactment.